Information and Privacy
Commissioner/Ontario

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PRIVACY

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ANNUAL REPORT 2000

The Purposes of the *Acts*

The purposes of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* are:

a) To provide a right of access to information under the control of government organizations in accordance with the following principles:

- information should be available to the public;
- exemptions to the right of access should be limited and specific;
- decisions on the disclosure of government information may be reviewed by the Information and Privacy Commissioner.

b) To protect personal information held by government organizations and to provide individuals with a right of access to their own personal information.

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Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

The Honourable Gary Carr
Speaker of the Legislative Assembly

I have the honour to present the 2000 annual report of the Information and Privacy Commissioner/Ontario to the Legislative Assembly.

This report covers the period from January 1, 2000 to December 31, 2000.

Sincerely yours,

Ann Cavoukian, Ph.D.
Commissioner

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Role and Mandate

Ontario's *Freedom of Information and Protection of Privacy Act*, which came into effect on January 1, 1988, established an Information and Privacy Commissioner as an officer of the Legislature to provide an independent review of the decisions and practices of government organizations concerning access and privacy. The Commissioner is appointed by and reports to the Legislative Assembly of Ontario. The Commissioner is independent of the government of the day in order to ensure impartiality.

The Municipal Freedom of Information and Protection of Privacy Act, which came into effect January 1, 1991, broadened the number of public institutions covered by Ontario's access and privacy legislation.

The Information and Privacy Commissioner (IPC) plays a crucial role under the two *Acts*. Together, the *Acts* establish a system for public access to government information, with limited exemptions, and for protecting personal information held by government organizations at the provincial or municipal level.

The provincial *Act* applies to all provincial ministries and most provincial agencies, boards and commissions; colleges of applied arts and technology; and district health councils. The municipal *Act* covers local government organizations, such as municipalities; police, library, health and school boards; public utilities; and transit commissions.

Freedom of information refers to public access to general records relating to the activities of government, ranging from administration and operations to legislation and policy. The underlying objective is open government and holding elected and appointed officials accountable to the people they serve.

Privacy protection, on the other hand, refers to the safeguarding of personal information — that is, data about individuals held by government organizations. The *Acts* establish rules about how government organizations may collect, use, and disclose personal data. In addition, individuals have a right to see their own personal information and are entitled to have it corrected if necessary.

The mandate of the IPC is to provide an independent review of government decisions and practices concerning access and privacy. To safeguard the rights established under the *Acts*, the IPC has five key roles:

- resolving appeals when government organizations refuse to grant access to information;
- investigating privacy complaints about government-held information;
- ensuring that government organizations comply with the *Acts*;
- conducting research on access and privacy issues and providing advice on proposed government legislation and programs;
- educating the public about Ontario's access and privacy laws, and access and privacy issues.

In accordance with the legislation, the Commissioner delegated some of the decision-making powers to various staff. Thus, the Assistant Commissioner and selected staff were given the authority to assist her by issuing orders, resolving appeals and investigating privacy complaints. Under the authority of the Commissioner, government practices were reviewed, three indirect collections of personal information were approved, and one proposed inter-ministry computer match was commented on.

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Commissioner's Message

In 2000, amidst much fanfare, we ushered in the new millennium. Across the globe, the turning of the century was celebrated as a marker of promise, possibility, and hope for the future.

Now, in the aftermath of the celebrations, we are faced with an exciting new challenge: to articulate a vision for the new millennium, and define our values for a rapidly changing world. As a person devoted to advocating for the access and privacy rights of Ontarians, I find it immensely gratifying that, at this moment in history, the issue of privacy has finally found its way into the mainstream – front row, centre. Technological pressures, such as the increased capacity of our telecommunications infrastructure, the exponential growth of the Internet, and the promise of wireless technologies, have brought privacy issues to the fore. And growing awareness of privacy issues is fuelling public demand for protection. At the same time, the vast technological capability we now have is fuelling a parallel public demand for faster, more efficient, and more responsive access to government information and services. The challenge is to ensure that the open electronic window is as privacy protective as it is accessible.

With these challenges before us, I believe that this decade will prove to be the definitive decade for both access and privacy. Here in Ontario, there are important tensions being played out as we struggle to maintain and enhance access and privacy rights in the face of a changing world. These struggles are evident not only in the countless media stories on access and privacy issues that have surfaced over the past year, but also in my office's everyday dealings with government, business, and the public.

A Special Report

In April 2000, I tabled a special report in the Legislature. Early in the year, we learned that the Province of Ontario Savings Office (POSO) had disclosed personal information about account holders to two private companies. The disclosure was part of a

government review of service quality and the potential privatization of POSO. We immediately launched an investigation, but to our dismay, we were unable to secure the government's co-operation in this matter. Our investigation, limited though it was, concluded that the disclosures were not in compliance with the provincial *Freedom of Information and Protection of Privacy Act* (the *Act*).

The difficulties we encountered in conducting the investigation were so significant that we outlined them in an addendum to the report, and called on the government to immediately amend the *Act* to provide my office with explicit statutory powers to conduct full and complete investigations.

While the government moved quickly to respond to our specific concerns about the POSO incident, it has yet to respond to the broader, ongoing concerns raised in the addendum. Unlike most other jurisdictions in Canada, Ontario has no clear statutory framework for investigating privacy complaints. Without

this framework, my office is forced to rely on the co-operation and goodwill of the government in investigating and resolving alleged privacy breaches. In the case of POSO, clearly, we were unable to obtain the co-operation we needed.

There is no question that the people of this province deserve to have independent oversight of the government with regard to privacy matters. Our request for the statutory powers needed to conduct full comprehensive investigations would ensure that oversight. That request has yet to be acted upon.

Commitment to an Effective FOI Scheme

Although the values underlying freedom of information laws are laudable and embraced proudly and enthusiastically by the governments that introduce them, commitment to these values is hard to sustain over time. Secrecy is inherently attractive to governments, and demands for accountability through use of the law butt up against the instincts of self-protection. FOI laws need two things in place for any hope of success: strong rules and commitment. I am pleased to say that in 2000, Ontario passed a significant milestone in demonstrating a commitment to a more effective law.

Commitments to performance standards, including response times in dealing with requests, were, for the first time, included in Deputy Ministers' performance contracts in 2000. This is an extremely important first step, which we have been advocating for a number of years. Deputy Ministers must now account for ministry performance on FOI programs as part of the annual appraisal process with the Secretary of Cabinet. In other words, effective FOI operations are now directly linked to the government's overall executive salary bonus system, which certainly can't hurt in instilling commitment. And, clearly, a Deputy Minister can't deliver on this commitment alone. Systems must be put in place throughout the Ministry, which will focus attention on FOI compliance issues broadly throughout the organization. Several of the recommendations I have included in this annual report address these issues.

Health Privacy Legislation

Another important development in 2000 was the introduction of long-awaited health privacy legislation. My office has been advocating the need for such legislation since this Commission was first established in 1987.

That being said, this office made it clear from the time the bill was first introduced that, while not fatally flawed, the bill was fundamentally flawed. My office has identified a number of significant changes that need to be made to the legislation if Ontarians are to have meaningful privacy protection for their health information. The recommendations are on our Web site, **www.ipc.on.ca.**

Secrecy is inherently attractive to governments, and demands for accountability through use of the law butt up against the instincts of self-protection.

The health privacy bill, and other pending legislation, died when the Legislature was prorogued early in 2001. I have urged the government to make introduction of health legislation a priority for 2001, and hope that it will take advantage of the opportunity to make the kinds of improvements that this office and other organizations have called for.

Public Education and Outreach

Within my own office, numerous outreach initiatives are going strong and helping people to understand their access and privacy rights. Our widely acclaimed educational program was extended beyond Grade 5 to include a new program for Grade 10 civics. More than

3,000 copies of our teachers' guides have been requested or downloaded. Speakers from my office have also been visiting schools throughout the Greater Toronto Area, raising awareness among young people. We also continued with our *Reaching Out to Ontario* program with events – including public information meetings – in Kingston, Hamilton and Thunder Bay. Among the new projects launched in 2000 was the *Library Outreach* program, under which more than 25,000 copies of IPC brochures were distributed across Ontario.

Personal Thanks

This has been an extremely busy year for my office. With so many important privacy and access issues coming to the fore, I rely heavily on the expertise, dedication, and hard work of all of the staff at the IPC. I am proud of the contribution that each staff member makes to our overall success. Over the years, our office has developed an international reputation that I believe we, and all Ontarians, can be proud of. I offer my heartfelt thanks to each and every one of you. And, I look forward to another exciting year!

The Impact of Contentious Issues Management

Access delayed is access denied. The *Acts* recognize this important maxim by imposing a 30-day time limit for responding to access requests. If an institution fails to respond within the time frame, it is deemed to have denied access to the requester. This "deemed refusal" may be appealed to the IPC.

Over the past few years, our annual reports have highlighted compliance rates by provincial and municipal institutions. In 1998, only 42% of provincial requests were completed within 30 days. This figure was improved to 50% in 1999, and to nearly 54% in 2000. While there is clearly progress, significant challenges remain.

We have begun to be concerned that there may be a systemic problem, unrelated to the requirements of the *Act*, that is contributing to the relatively low compliance rates within the provincial sector.

Although we have not been provided with details or copies of any policy documents, we have learned through our work in mediating and adjudicating provincial appeals that certain access requests that are determined to be "contentious" are subject to different response and administrative procedures. This "contentious issues management" process is managed by Cabinet Office. Our understanding of the process is sketchy, and ministry Freedom of Information and Privacy Co-ordinators are extremely reluctant to provide us with details; however, as we understand it, the process generally operates as follows: if an access request is made by certain individuals or groups (i.e., media, public interest groups, politicians), and/or the request concerns a topic that is high profile, politically sensitive or current, ministry Freedom of Information and Privacy Co-ordinators must follow the contentious issues procedures. Once designated into this category, the process requires the immediate notification of the Minister and Deputy Minister, along with the preparation of issue notes, briefing materials, etc. Cabinet office is often involved in this process.

A basic premise underlying the operation of all freedom of information schemes is that the identity of a requester should only be disclosed within an institution on a "need to know" basis. Requiring individuals to demonstrate a need for information or explain why they are submitting a request would erect an unwarranted barrier to access. *IPC Practice 16: Maintaining the confidentiality of Requesters and Privacy Complainants* (re-issued September, 1998) sets out some basic principles, two of which are of particular importance here:

- employees of an institution responsible for responding to requests – generally the Freedom of Information and Privacy Co-ordinator and assisting staff – should not identify any requester to employees outside the Co-ordinator's office when processing requests for general records;
- when an individual requests access to his or her own personal information, while the Co-ordinator may need to identify the requester to other employees in order to locate the records or make decisions regarding access, the name of the requester should be provided only to those who need it in order to process the request.

While Ministers and Cabinet Office officials may, on occasion, have a legitimate interest in being made aware of decisions taken by delegated decision makers under the *Acts*, it is not acceptable for the contentious issues management process to routinely identify the requester, delay access, or in any other way interfere with the timing or other requirements of the *Act*. Truly effective freedom of information laws cannot tolerate political interference in either the decision-making or administrative processes for responding to access requests.

Truly effective freedom of information laws cannot tolerate political interference in either the decision-making or administrative processes for responding to access requests.

Although we have been advised by Cabinet Office that the number of contentious issue requests is small, and that steps are being taken to ensure that processes do not interfere with the 30-day response time frames, our experience over the course of the past year leads us to conclude that Cabinet Office has under-estimated the impact of its process on timely response and disclosure rates. Our office has dealt with a significant number of provincial "deemed refusal" appeals and other appeals where access decisions have been delayed due, at least in part, to the apparent conflict between the statutory obligations provided by the *Act* and the contentious issues management process. In Order PO-1826, for example, the appellant suggested that some or all of the Ministry's delays in this case were due to "political interference." While not in a position to make a finding on that point, the adjudicator did state:

In this appeal, the only action required by the Ministry was to disclose records in accordance with commitments made in the context of an agreement with the appellant. I can accept that the minister's office may want to know when records are being disclosed in accordance with this agreement, but any delays which may have been associated with actions taken by the minister's office would, by definition, be inappropriate.

Our office also encounters conflict with the contentious issues management process even after a substantive decision has been made to a requester and an appeal has been filed. Mediation efforts are often protracted due to the multiple layers of approvals and sign-offs required for contentious issues requests. Equally troubling is the fact that only a small percentage of requesters know about the deemed refusal provision of the *Act* and are in a position to avail themselves of the appeal rights when a decision is not made on time.

The issue of possible political interference is not unique to Ontario. In his 1999-2000 annual report, federal Information Commissioner John Reid commented on an unacceptable situation which had developed within Human Resources Development Canada (HRDC). The so-called "HRDC scandal" triggered hundreds of access requests for records such as audits. The Commissioner found that ministers' desire to "be out front of any access request" required a government strategy to buy time by slowing down or postponing the release of the requested audit reports. He found that although Treasury Board directed all departments to make the audits available with "due diligence," it also imposed a number of advance notice requirements which, the Commissioner noted, brought the release of audit reports to a virtual standstill pending compliance with these reporting requirements.

We recognize that the Ontario Cabinet Office's contentious issues management process was designed so as to not interfere with the administration of access requests within the time limits specified in the *Act*. It is intended to be a "heads up" process, not a "sign off" process. However, it does not always work that way. It is not acceptable for disclosure of records to be delayed past the statutory response date in order to accommodate an issues management priority. Nor is it acceptable for any contentious issues management process to routinely identify the requester.

What is missing, and what would help enormously in clarifying the situation for Freedom of Information and Privacy Co-ordinators throughout government, is a clear statement from Cabinet Office that processing time requirements established by the *Act* for responding to access requests take precedence over any contentious issues management policies, whenever the two conflict.

We have asked for but have not yet received assurances from Cabinet Office that such a clear statement will be issued. The absence of a documented government-wide commitment to the precedence of the *Act* over contentious issues management is troubling, and warrants priority attention by the government.

It is not acceptable for disclosure of records to be delayed past the statutory response date in order to accommodate an issues management priority.

The Shifting Privacy Landscape: Major Legislative Developments

The year 2000 saw a number of significant advances in the area of privacy legislation. Until now, only provincial and municipal institutions in Ontario have been covered by such laws. But, in Ontario and elsewhere, the privacy landscape is shifting. This is thanks, in part, to the growing recognition that protecting privacy is an essential component of building public confidence in e-commerce.

An important shift occurred in April 2000, when Bill C-6, the federal *Personal Information Protection and Electronic Documents Act*, received Royal Assent. That law came into force on January 1, 2001, and applies to personal information that is collected, used or disclosed in the private sector. Initially, the *Act* applies only to federally regulated businesses, such as banks, telecommunications, and transportation companies, and to disclosures of personal information "for consideration" across provincial or national borders. As of January 1, 2004, the federal *Act* will apply to all provincially regulated businesses as well, unless the province has introduced substantially similar legislation.

Ontario Privacy Legislation

The IPC supported the passage of Bill C-6 as an important step in the extension of privacy protection. In addition, we have called on the provincial government to develop a model for Ontario that protects privacy in both the public and private sectors. A provincial law would address a number of important issues, such as the federal legislation's focus on commercial activities, and the delay in its application. In our view, Ontarians should not lag behind in having adequate privacy protection.

The province made significant progress on this front in 2000 with the release of a consultation paper by the Ministry of Consumer and Commercial Relations. In the paper, the government committed to the timely introduction of privacy legislation to govern the collection, use and disclosure of personal information in areas not currently covered under public sector laws. The proposed rules would be based on the Canadian Standards Association Model Code for the Protection of Personal Information (CSA Standard).

In our response to the consultation paper, the IPC was strongly supportive of the government's intention to proceed with private sector privacy legislation, and of the general direction proposed for the legislation. There were, however, some key deficiencies in the proposal, and we suggested a number of possible improvements. (The IPC's submission can be found at: **www.ipc.on.ca/english/pubpres/reports/reports.htm.**)

One of the most significant deficiencies is the government's proposal to exclude several of the 10 privacy principles set out in the CSA Standard. By not explicitly including the principles of accountability, accuracy and openness, the proposed legislation would deny Ontarians the full range of privacy rights enjoyed elsewhere, and would make it more difficult for citizens to exercise the rights they do have under the legislation.

Another significant deficiency is the government's proposed enforcement scheme. The proposed model differs considerably from the current public sector privacy scheme, and from privacy regimes in most other jurisdictions. It does not, therefore, build on the significant body of international expertise that has developed in addressing privacy issues. Further, it would put in place separate privacy enforcement schemes for the public and private sectors. This would be very inefficient, particularly since the consultation paper envisions a single oversight body for all privacy legislation in Ontario. The IPC believes that the existing public sector scheme is both fair and effective, and presents a solid foundation upon which to build.

The IPC will continue to urge the speedy introduction of private sector privacy legislation for Ontario, and will work to ensure that the legislation provides Ontarians with comprehensive and effective protection.

Health Information Privacy

Another important development on the provincial scene was the introduction of the long-awaited *Personal Health Information Privacy Act* (Bill 159). There have been calls for such legislation since 1980, when the *Report of the Royal Commission on Confidentiality of Health Information in Ontario* (the *Krever Commission Report*) was published. The IPC has long supported the introduction of strong health privacy rules. In October 2000, the IPC commented extensively on the Ministry of Health and Long-Term Care's latest consultation paper (our submission, and submissions made early in 2001, can be found at: **www.ipc.on.ca/english/pubpres/reports/reports.htm**).

While the IPC applauded the government's introduction of a health information privacy Bill (Bill 159), we had some significant concerns with the content of the Bill. Chief among them were the broad provisions for the disclosure of personal health information without the consent of the individual to whom the information relates. The Bill would have allowed the government to direct health care providers to disclose any personal health information in their possession, without providing any means of oversight or review for the majority of these directed disclosures. Overall, the principle that health care information belongs to the patient and should not be disclosed without his or her consent was too easily circumvented in Bill 159.

Of equal concern to us were the oversight provisions contained in the Bill. In our April 2000 report on the disclosure of personal information by the Province of Ontario Savings Office, we noted that effective privacy protection depends on an oversight body having statutory powers to order organizations to stop the improper use and disclosure of personal information. Effective oversight also requires powers to conduct a full and proper investigation, with the power to summon witnesses and examine documents. Without these powers, Ontarians cannot be confident that their personal information, including their most sensitive health information, is truly protected. These crucial powers were not provided in Bill 159. The Bill also failed to provide individuals with a right to appeal decisions regarding the correction of their personal information.

Bill 159, and other pending legislation, died when the Legislature was prorogued early in 2001. The IPC has urged the government to make the introduction of strong health privacy legislation a priority for 2001. We are committed to working with the government to address the major flaws in the initial version of this much-needed privacy legislation.

Electronic RD/AD (eRD/AD)

The IPC has been a strong advocate of routine disclosure (RD) and active dissemination (AD) of government-held information for many years. Routine disclosure provides routine or automatic release of certain types of administrative and operational records in response to informal access requests. It is closely linked with active dissemination, which provides for the periodic release of government records in the absence of a request. Over the years, there has been a growing recognition that RD/AD is a good way of making information about the routine operations of government available to citizens.

Across the province, RD/AD has been successfully implemented in a number of areas. For more than five years, for example, the City of Brampton has incorporated a proactive RD/AD policy that has become a standard feature of the city's operating procedures. The Brampton program includes a freedom of information (FOI) trends analysis to determine what FOI requests are suitable as RD/AD material, a corporate file classification manual with which records management staff are gradually classifying records for RD/AD retention, FOI training for line staff and the provision of Web site access to published information.

Similarly, the City of Mississauga has incorporated an RD/AD program throughout the five departments that make up that city's government. Many types of information, including Council decisions, bylaws, agendas, minutes, staff reports, and building and planning permits are made available routinely. Mississauga is a good example of a jurisdiction that has successfully incorporated the three key ingredients of an effective RD/AD program:

1. leadership that demonstrates an ongoing dedication and commitment to advancing open government;
2. adoption of RD/AD as part of an organization-wide access strategy; and
3. empowerment of front-line staff to carry out this strategy.

Where RD/AD is effectively implemented, there is no question that it provides citizens with better access to government information and improves accountability. As the use of new telecommunications technologies becomes more widespread, the IPC sees clear opportunities to move the RD/AD concept into the realm of electronic records. Growing use of computers and declining costs have led to a dramatic increase in the number of households using the Internet for business and pleasure. The proportion of Canadian households with at least one regular Internet user jumped from 29.4% in 1997 to 41.8% in 1999 (1999 Household Internet Use Survey, Statistics Canada). According to PricewaterhouseCoopers' *Canadian Consumer Technology Survey 2000*, almost half of Canadians (44%) with a home Net connection access government services online. That is up sharply from 32% in November 1999.

Growing Internet access rates have contributed to a demand from consumers for government services to be provided online from all levels of government. Already, significant percentages of Net users have accessed federal (68%) or provincial (66%) services electronically. In recognition of the growing demand for electronic services, there is a significant move towards e-government.

(E-government is the comprehensive application of information technology to provide greater opportunities for citizens to participate in democratic institutions and processes, and to provide the public with

more convenient access to government information and higher quality services.) The federal government plans to do this by 2004, while the Government of Ontario is aiming to have all Ministries providing services online by 2003.

But e-government is not just about providing better services. It is also about re-establishing the relationship between citizens and those whom they elect to serve them. How can this objective be achieved? One answer may be applying the concept of RD/AD to the online world – eRD/AD – as a way of realizing the full potential of the Internet as a tool for ensuring government accountability.

Other jurisdictions have already begun to take up this challenge. In the United States, the federal government requires its agencies and departments to routinely publish documents falling under the *Electronic Freedom of Information Act* and the *Paperwork Reduction Act*. Each federal agency is required to establish and maintain an electronic reading room where accessible documents are available for public viewing. Categories of requested information now routinely published on the Net include environmental issues, consumer safety issues, taxation, government spending, foreign affairs, public health issues, labour, and employment issues. This is helping to reduce both the backlog of existing FOI requests and the number of new ones by routinely making available information electronically without requiring a formal request. These eRD/AD practices have been proven to advance open government and make access to government information easier and cheaper. Users have praised sites like the one operated by the National Aeronautics and Space Administration for the amount of data the agency makes available, and the way in which it is organized.

While most governments in Canada are seeking to address the service component of e-government, examples of using e-government to enhance the relationship between citizens and their elected representatives are limited. This is of concern to the federal government, which is involved in sponsoring the Crossing Boundaries project, an initiative which set out to examine the impact of information technology on government. In the view of MP Reg Alcock, who co-chairs the project, "democratic government is about more than delivery of services. It is also about governance (decision making) and, ultimately, democracy (accountability to citizens through their elected representatives)." Access to information and the publication of government-held records through eRD/AD can be an integral part of this accountability system.

The success of current RD/AD efforts, and fledgling e-government activities, can only be enhanced by converting existing paper-based practices into an integrated electronic eRD/AD initiative.

A Proposal for Ontario

A fully scoped e-government initiative should address two broad areas: providing better services to the public, and re-establishing the relationship between citizens and those whom they elect. Ontario is in a unique position to satisfy both of these goals. The development of eRD/AD as an integral component of electronic government services can build on the best practices of existing RD/AD initiatives in Ontario while learning from the US experience.

Examples of successful eRD/AD efforts already exist. The Region of York's water quality reports can be now be found on York's Web site. The City of Toronto also publishes health inspection results of restaurants on the city's Web site. These efforts only hint at the potential opportunities for eRD/AD at the municipal and provincial levels.

We propose that increased focus be given in the upcoming year to support eRD/AD activities, and call upon the provincial and municipal governments to join us in these efforts. As a first step, we will be establishing a working group consisting of representatives from both provincial and municipal jurisdictions.

The Ministry of the Attorney General, Management Board Secretariat, the City of Toronto, the Ministry of the Environment, and the provincial Archivist have already agreed to join the working group. This working group will develop a detailed mandate for an eRD/AD initiative, and will identify deliverables in time for the 2003 rollout of a fully e-government enabled Ontario.

In order for this initiative to be successful, the working group should focus on developing tools that integrate with existing FOI mechanisms. This would facilitate the timely release of eRD/AD documents within existing practices while expanding the classes of documents suitable for release.

Potential products to assist municipal and provincial government agencies could include:

I. An eRD/AD best practices manual based on the experience of organizations such as the City of Mississauga. Best practices would identify classes of FOI requests that are routinely received and which should be considered for electronic disclosure and dissemination.

II. A standard eRD/AD reading room Web interface kit for use on government Web sites. The link could be a standard element, placed in the same section of the main menu on every government Web site.

III. A corporate file classification manual that gives practical advice on how to identify classes of records suitable for eRD/AD release.

The working group could also provide a forum for ongoing reviews to ensure that eRD/AD practices and that the interface on all eRD/AD reading rooms remain current throughout the government. This activity will help entrench RD/AD as a routine part of e-government and ensure that public engagement in the process remains high.

If used properly, the Net provides an ideal opportunity to connect Ontario citizens with the various levels of government and to increase the availability of government-held information. We look forward to the co-operation of municipal and provincial institutions as we explore the potential of eRD/AD and the development of an increasingly well-informed citizenry.

Privacy in a Wireless World - The M-Commerce Challenge

Wireless technology is much more than a cell phone or a personal digital assistant (PDA). It encompasses the infrastructure of wireless voice and data services behind the scenes, and includes global positioning satellites (GPS) that track a phone's location. It also includes the data, much of it highly personal, that a cell phone generates when it is used to place a call or complete a transaction about the routine operations of government available to citizens.

The IPC has become increasingly concerned about the threats to privacy that wireless technology could introduce. If not implemented with an upfront commitment to privacy – through legislated protections and embedded in the design of the technology itself – wireless technology may pose significant challenges to privacy.

The current generation of cell phones is digital, Internet-ready and will soon use advanced GPS and radio direction-finding technology. The GPS location technology is the basis for the introduction of the E911 initiative in the United States later this year. When a person dials 911 from a cell phone in the U.S., the emergency services will be able to locate the phone to within 20 meters. Another use could be to help parents track their children's whereabouts when needed. These potentially life-saving tools will appear in Ontario in the near future.

As helpful as these new capabilities are, we must approach them with caution, as location-tracking information – when combined with a date and time stamp – can have serious privacy implications.

For example, governments need only make a small technical leap to use the locational capabilities of cell phones to track all drivers in order to ticket speeders, or to review cell phone data trails of everyone who was in a specific area at a specific time to track down both criminals and witnesses to crimes. Further, private sector companies can use "push" technology to bombard consumers with advertising based on personal profiles generated from their past activities whenever they "get in range." These potential uses of wireless technologies require careful policy consideration since they may represent a potential minefield for privacy.

Privacy Goals for a Wireless World

Based on existing internationally recognized fair information practices, the IPC suggests the following privacy goals for wireless technology:

Restricted Data Collection and Retention: This is a fundamental principle of fair information practices and needs to form the basis of any wireless infrastructure. The amount of personal information collected via the Internet may ultimately be dwarfed by what will be collected through wireless technology. Organizations need to introduce strict controls for what is collected and introduce automated purging procedures deleting anything beyond the basic information needed to conduct a particular transaction.

Encryption: The user's point of access (cell phone or other personal digital assistant) must start the encryption process. The process

needs to be end-to-end in order to be truly effective and should only take place with trusted intermediaries. The question of encryption key management – deciding who should have access to the keys that lock and unlock the data – must also be addressed. From a privacy perspective, it is critical that the encryption keys remain in the hands of consumers.

Open Platform for Wireless Devices: Users should be able to select and activate privacy and security technology that is independent of the particular cell-phone manufacturer or carrier. Currently, there are competing platforms in North America, but none of them allow consumers any choice regarding privacy.

The challenges for privacy protection in a wireless world will only become more significant over time.

Open Source Technology: All technologies that "touch" a consumer's data must be accessible to public scrutiny. The technology components that comprise the wireless infrastructure, including the encryption systems, the data transport mechanisms, and the systems architecture, should be "open source" to allow for objective expert analysis.

Transaction Data De-linked: The wireless infrastructure needs to ensure that any personally identifiable information is used only for a particular transmission. Location and time data needs to be separated from personally identifiable data. Pseudonomization is one method of minimizing personally identifiable data, and should to be introduced in the wireless infrastructure.

Where do we go from here?

The challenges for privacy protection in a wireless world will only become more significant over time. That makes it critically important that technology designs and standards have privacy protections built into the infrastructure, and that the legislative framework used to regulate the use of wireless technology addresses fundamental privacy issues. Businesses, consumers, and governments all have a role to play.

In addition to working toward the privacy goals above, organizations should also engage in a meaningful dialogue with consumer associations, labour organizations, and privacy experts. Standards within the wireless technology field need to be developed in a more open environment and with the necessary resources to allow for truly effective participation from a wide variety of stakeholders.

At the same time, consumers must be vigilant in learning about and understanding the privacy risks involved with unsecured wireless transactions, such as identity theft, fraud, and potential discrimination. Consumers also need to be discerning when purchasing or enrolling in wireless services.

To support the development of privacy-protective wireless technologies, governments need to raise the bar so that wireless specifications include privacy-protective requirements. And, as significant purchasers of technology, governments should set an example by purchasing only those wireless technologies that truly protect privacy.

Through these steps, we can ensure that the promise of wireless technology is not fulfilled at the expense of privacy.

Genetics - A Privacy Minefield

In June 2000, then-U.S. President Bill Clinton and British Prime Minister Tony Blair announced the completion of the initial sequencing of the human genome. This tremendous scientific achievement will undoubtedly have a profound impact on medical research, allowing scientists to develop new ways to prevent, diagnose, treat and cure disease.

However, this latest development also represents a significant turning point, as what was once a theoretical discussion of genetic privacy issues has now moved into the realm of reality. The IPC has been monitoring developments in genetics since 1989. Now, however, there is a new urgency to our consideration of this critical issue. The ability to test genetic samples against the map of the human genome has profound implications for privacy, and for our society at large.

As a starting point, the collection of genetic material, whether it is derived from blood, hair, urine or other sources, generally involves an invasion of the body to some degree. It therefore raises a number of questions about the circumstances under which such samples are collected, including whether the individual consents freely to the collection.

Of particular concern is the technical possibility of conducting a genetic test without an individual's knowledge or consent. As societies move to establish parameters around the appropriate collection of genetic samples, we need to bear in mind that the provision of such samples is viewed by some people as an affront to their dignity.

A number of important issues are raised with regard to the use of genetic information. The ability of a person to determine when, how, and to what extent his or her genetic information is communicated to others is at the core of these issues. Also, given the hereditary nature of some disorders, analysis of one person's genetic material can reveal information about others (i.e., parents or children). This is, in effect, an indirect collection of personal information, and requires appropriate protections.

Perhaps the greatest fear associated with genetics is that DNA samples and information taken from someone for one purpose will then be used for secondary, unrelated purposes, without the individual's knowledge or consent. A person may consent to testing for one purpose (e.g., to determine sensitivity to workplace substances), but not for another (e.g., for predisposition to certain diseases).

A recent American case involved an employer using genetic information to screen a female employee for syphilis, pregnancy and sickle-cell traits, without ever letting her know or obtaining her permission. Secondary uses of this type raise concerns about individual control over personal information and about the use of genetic information unjustly, to the detriment of those involved.

Another significant concern with regard to genetic information is unauthorized disclosure. An individual may consent to a particular test and the use of the resulting information by his or her doctor for certain defined purposes, but may not want that information shared with an employer or insurance company. This level of control by the data subject must be protected.

Further, an individual should have the right to know or not to know the results of his or her genetic tests — the choice must remain with the individual.

When provincial health privacy legislation is reintroduced, the IPC hopes that it will help address these informational privacy issues by adequately regulating the collection, use and disclosure of genetic information. But beyond privacy issues, the mapping

of the human genome also raises broader social and ethical issues, and these, too, will ultimately need to be addressed.

Genetic engineering, or eugenics, is perhaps the most ominous aspect of the study of genetics. As more and more of the human genome is mapped and genetic testing becomes more accurate and readily available, the possibility of controlling the genetic make-up of babies becomes more of a reality. The ability to selectively breed for desirable inherited characteristics raises the spectre of genetic determinism, and privacy concerns regarding reproductive rights and individual choice. It also raises the spectre of genetic discrimination.

Having an identified genetic disability or predisposition to a disease could create a social stigma that adversely affects an individual's life. The concern is that an entire class of genetic "undesirables" might be created, with the resultant discrimination in the context of employment, housing and insurance.

Having an identified genetic disability or predisposition to a disease could create a social stigma that adversely affects an individual's life. The concern is that an entire class of genetic "undesirables" might be created, with the resultant discrimination in the context of employment, housing and insurance.

This type of discrimination is already a reality. A Georgetown University study showed that nearly half of the members of a genetic support group were denied insurance coverage when they disclosed the results of their genetic tests. Thirteen percent said that they or a family member had been denied a job or fired outright because of a genetic condition. A related concern is that people will avoid having medically necessary tests out of fear that the results will be used against them.

In the United Kingdom, insurers are allowed to use genetic test results to identify people with certain hereditary illnesses in order to refuse coverage, or to charge an increased premium. Other countries, such as Austria, have banned insurers and employers from obtaining results of genetic tests.

In Canada the debate continues. On the positive side, in 2000, the president of the Independent Life Insurance Brokers of Canada called for immediate action to prevent insurance companies from demanding the results of genetic tests when individuals are being considered for insurance coverage, saying: "No individual should be denied a service or product, or be discriminated against, because of a failure to provide a copy of their genome map."

The IPC believes that while genetic research offers untold benefits in terms of medical research, if not properly regulated, it could create gross invasions of both bodily and informational privacy. The development of a proper balance and effective controls is not a simple task, requiring participation from all sides of this discussion – patients and doctors; researchers and ethicists; government and private sector companies; employers and employees. This is a debate that must be undertaken without delay, and the IPC is committed to actively participating to ensure that privacy concerns are fully understood and appropriately addressed.

Commissioner's Recommendations

(1) Privacy Legislation

There is a pressing need for Ontario to move quickly to bring in privacy protection legislation for Ontarians. I have two recommendations. First, the government should proceed quickly with a revamped health information privacy bill, based on the detailed recommendations provided by my office. The need for health privacy legislation has never been greater, especially with the increasing electronic exchanges of health information. Second, the government should move forward with legislation to provide privacy protection throughout the private sector. Unless provincial legislation is passed by the end of 2003, the federal *Personal Information Protection and Electronic Documents Act* will regulate private sector privacy issues in Ontario. Ontarians expect a made-in-Ontario law, and I urge the government to move promptly to ensure sufficient time for consultation.

(2) Contentious Issues Management

While the Cabinet Office's contentious issues management process may have been designed as a "heads up" rather than a "sign off" process, I fear that it does not always work that way. It is not acceptable for disclosure of records to be delayed past the statutory 30-day response date in order to accommodate an issues management priority. Nor is it acceptable for any contentious issues management process to routinely identify the requester.

As outlined in the *Issues* section, Cabinet Office should issue a statement to all ministries, making it clear that:

- processing time requirements established by the *Act* for responding to access requests take precedence over any contentious issues management policies, whenever the two conflict; and
- names of requesters should only be disclosed within ministries on a "need to know" basis.

Both of these issues go to the very heart of any freedom of information scheme, and I'm calling on the government to make the preparation and widespread distribution of this statement a priority.

(3) Compliance Standards

Over the past few years, I have made a number of recommendations aimed at focusing attention on the 30-day response rate for handling access requests and bringing about much needed improvements. While some progress has been made, I urge the responsible Minister to demonstrate leadership in this area. The Chair of Management Board of Cabinet, as the minister responsible for the *Acts*, should personally write to all heads of ministries and senior government officials who did not meet the response time standards two-thirds of the time, asking for an accounting of the steps that will be taken in the upcoming year to ensure substantial improvements.

(4) eRD/AD

The evolution of the Internet provides an ideal opportunity to connect Ontario citizens with the various levels of government and to increase the availability of government-held information. A number of Ontario Ministries, municipalities and other government organizations have already agreed to join a working group the IPC is establishing to develop a detailed mandate for an eRD/AD initiative (electronic Routine Disclosure/Automatic Dissemination), and identify deliverables in time for the 2003 rollout of a fully e-government enabled Ontario. (See *Issues* section.)

Citizens have increased expectations of governments in the electronic era. They want to be able to receive services through the Internet, but more importantly, they want to tap the benefits of the new technology in order to more fully participate in the decision making process of government. Electronic RD/AD is an important part of the "e-democracy" challenge, and I'm calling on the government to make eRD/AD one of the foundations of its e-government initiative.

In the 1999 annual report, the IPC described its new *Institutional Relations Program* and the work under way with institutions in the provincial sector. This year, we will focus on a number of the Tribunal Services Department's collaborative efforts with institutions at the municipal level, all of which are targeted at:

- gaining a better understanding of the business of our institutional clients in order to deal more effectively with appeals and complaints; and
- providing IPC mediators and institutional staff with an opportunity to better understand each other's roles and needs, and to develop more productive relationships.

We focused our work in three of the larger sectors of institutions covered by the *Municipal Freedom of Information and Protection of Privacy Act*: (1) police services; (2) municipalities (cities, towns, regions, etc.); and (3) school boards. Staff on our municipal mediation team and officials from five different institutions succeeded in producing a number of products we hope will assist the public and other institutions in understanding and advancing the principles of open government. All of the following publications can be downloaded from our Web site at **www.ipc.on.ca**.

City of Mississauga

The City of Mississauga has a strong commitment to Routine Disclosure/Active Dissemination as the preferred method of providing the public with access to its record holdings. In so doing, the city of approximately 600,000 people is able to routinely and actively distribute a wide range of records while only receiving about 10 to 15 formal access requests a year under the *Act*. We worked with the city to produce: *RD/AD, A Best Practice in the City of Mississauga*, in the hope that other institutions could follow Mississauga's lead in promoting public access.

This *Best Practice* outlines how the city actively adheres to the purposes of the municipal *Act* through a comprehensive RD/AD program in place throughout all the departments of the municipality. Under this program, Mississauga residents are provided with government records easily, informally, and in accordance with the principle that information should be available to the public and that necessary exemptions from the right of access should be limited and specific.

The three key ingredients to an effective RD/AD program, all of which are found in the City of Mississauga, are:

- leadership that demonstrates an ongoing dedication and commitment to advancing open government;
- adoption of RD/AD as part of an organization-wide access strategy; and
- true empowerment of front-line staff to carry out an active access strategy.

St. Thomas Police Service

The St. Thomas Police Service wanted to help members of the public with an interest in accessing records held by the police service have a better understanding of when they should use the *Act* to obtain this information, and when some other method of accessing records might be more appropriate. We worked with the police service to create an information brochure entitled *Making an Access Request to a Police Service*. The brochure contains a checklist and questions meant to assist citizens who are considering whether or not to request records under the *Act*. The brochure is directed to members of the public, especially to people who frequently approach police services with access requests, such as: lawyers, victims or witnesses to a crime, insurance companies and relatives of individuals who died in circumstances which included the involvement of a police service. The brochure was designed as a generic document that can be used by other police services — a number of them have already picked up and used the brochure in their own cities or regions.

Toronto District School Board

School boards hold a wide range of records which include personal information. To help understand how this information should be treated, we worked with the Toronto District School Board to complete a booklet of frequently asked questions and the most appropriate answers to each of them. The booklet has been distributed to all schools within the Toronto board, as well as to all school boards throughout the province. Entitled: *F.A.Q.: Frequently Asked Questions, Access and Privacy in the School System — A Resource for Parents, Teachers and Administrators,* it addresses issues relevant to the school context, such as: school photographs, health card numbers, separated spouses, and information requested by a Children's Aid Society. Each FAQ is designed as a "stand alone" document and is presented in a question and answer format.

Durham Regional Police Service

The Durham Regional Police Service identified a challenge within its organization – making sure that individual police officers understood how their notebooks were treated under the Act. We worked with the police service to produce an information brochure for the police community, entitled *Police Officers' Notebooks and the Municipal Freedom of Information and Protection of Privacy Act: A Guide for Police Officers.* This guide, directed toward police officers, was prepared to help clarify the treatment of police officers' notebooks under the *Act,* and to facilitate the processing of access requests which involve this type of record. We are hopeful that other police services will find the brochure useful in addressing the treatment of this particular type of record that is often responsive to requests under the *Act.*

Town of Milton

The Town of Milton encourages its residents to approach the town hall in person and obtain information and/or documents over the counter. To help improve service, we worked with the town to produce a general information brochure that outlines the administrative structure of the town and the type of records maintained by each department. The brochure includes the answers to a series of frequently asked questions about how to obtain information from the various departments of the town either informally, or under the *Municipal Freedom of Information and Protection of Privacy Act.*

Requests by the Public

The number of freedom of information requests filed with provincial and municipal government organizations in 2000 climbed to 21,768, an increase of 4.14% from the previous year's total of 20,902.

Provincial government organizations received 10,824 of these requests, an increase of 946 from the previous year. Of these, 3,029 were for personal information and 7,795 were for general records. Municipal government organizations received 10,944 requests, down 80 from 1999. The requests included 4,907 for personal information and 6,037 for general records.

Provincial and municipal government organizations are required under the *Acts* to submit a yearly report to the IPC on the number of requests, how quickly they responded to them, what the results were, and other pertinent information. This data helps the IPC assess compliance with the *Acts*.

Once again, the Ministry of Environment reported the highest number of requests received under the provincial *Act* (3,866), followed by the Ministry of Health and Long-Term Care (1,658), the Ministry of the Solicitor General (1,355) and the Ministry of Labour (1,080). Together, the four ministries accounted for 73.5% of all provincial requests.

Police services boards – for the sixth straight year – received the most requests under the municipal *Act* (48% of all the requests filed under that *Act*). Municipal corporations (including municipal governments) were next with 36%, followed by hydro electric commissions with almost 13%, and school boards with one percent.

Just under 54% of the requests completed under the provincial Act were responded to within the statutory 30 days, up from 50% in 1999. (The 30-day compliance percentage for provincial organizations where a Minister is the head was 51% in 2000, up from 48% in 1999.) Overall, close to 85% of provincial requests were answered within 60 days, an improvement of almost five percent from 1999. Just over four percent took more than 120 days, the same as in 1999.

Municipal government organizations continued to surpass their provincial counterparts by a wide margin in meeting response standards. They responded to 82% of requests within 30 days in 2000, down slightly from the previous year. Overall, 95% of municipal requests were answered within 60 days, with just over one percent taking more than 120 days to complete.

In this year's annual report, we are adding a new category of information, which identifies who is making the request – businesses, individuals, media, etc. Approximately 65% of requests for provincial records came from businesses, while the largest group of requesters for municipal records was individuals (just over 62%).

In 32% of provincial cases, all information sought was disclosed, and in another 18%, partly disclosed. On the municipal side, 45% of cases resulted in full disclosure and another 37% were partly disclosed. Overall, no information was released in 23% of cases.

Under the exemption provisions of the *Acts*, government organizations can, and in some cases must, refuse to disclose requested information. In 2000, the most frequently used exemption for requests for one's own personal information was the exemption to disclosure of personal information (sections 49 and 38 for provincial and municipal organizations, respectively). For general record requests, the most frequent exemption cited was personal information about individuals other than the requester (sections 21 and 14 for provincial and municipal organizations, respectively).

Under the legislation, individuals have the right to request correction of their personal information held by government. In 2000, provincial organizations received five correction requests and refused three. Municipal organizations receive 487 correction requests and refused six. When a correction is refused, the requester may attach a statement of disagreement to the record, outlining why the information is believed to be incorrect. The requester also has a right

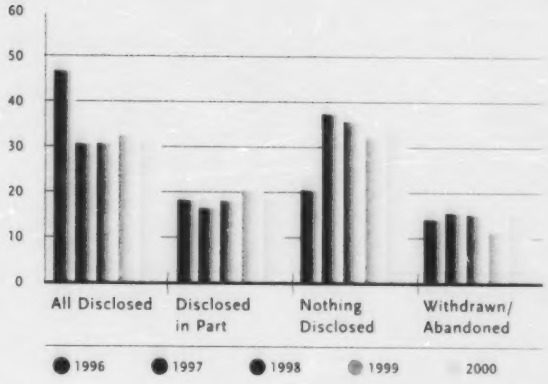
of appeal to the IPC. This year, one provincial and two municipal statements of disagreement were filed.

In addition to application fees, the legislation permits government organizations to charge additional fees for providing access to information under certain conditions. Where the expected charge is more than $25, a fee estimate is to be provided before work begins. Organizations have discretion to waive payment where it seems fair and equitable to do so after weighing several specific factors.

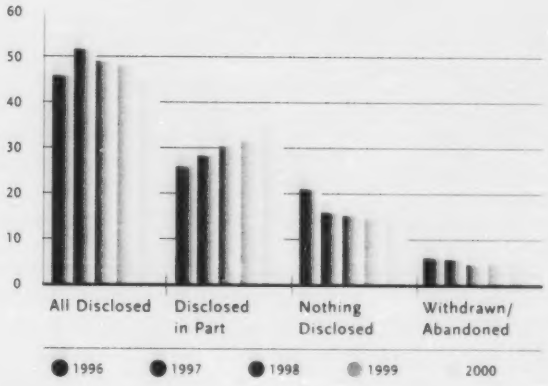
Provincial institutions report collecting $51,165.00 in application fees and $212,101.00 in additional fees in 2000. Municipal institutions reported receiving $58,176.40 in application fees and $99,694.31 in additional fees in 2000.

Provincial organizations most often cited search time as the reason for collecting additional fees. Search time costs were mentioned in 51% of cases where fees were collected, followed by reproduction costs in 28% and shipping costs in 12%. Municipal organizations cited reproduction costs in 45% of cases, search time in 28% and preparation in 18%.

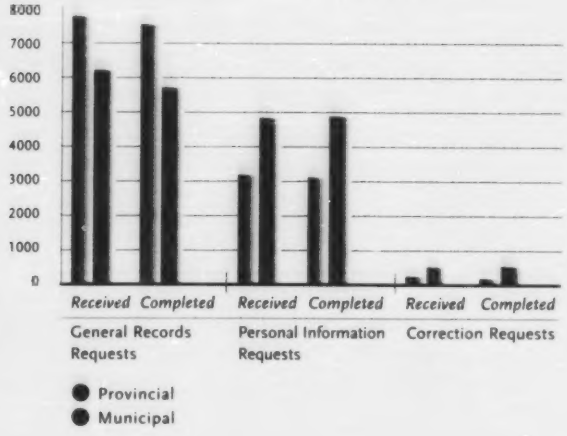
OUTCOME OF PROVINCIAL REQUESTS – 2000
(%)



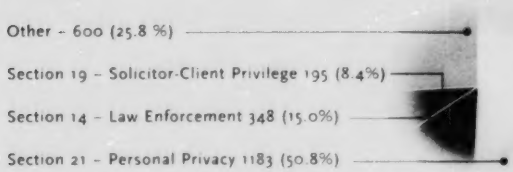
OUTCOME OF MUNICIPAL REQUESTS – 2000
(%)



REQUESTS RECEIVED AND COMPLETED – 2000



PROVINCIAL EXEMPTIONS, EXCLUSIONS AND FRIVOLOUS OR VEXATIOUS USED GENERAL RECORDS – 2000


Other - 600 (25.8 %)
Section 19 - Solicitor-Client Privilege 195 (8.4%)
Section 14 - Law Enforcement 348 (15.0%)
Section 21 - Personal Privacy 1183 (50.8%)

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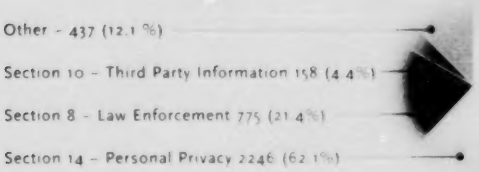
Other - 437 (12.1 %)
Section 10 - Third Party Information 158 (4.4%)
Section 8 - Law Enforcement 775 (21.4%)
Section 14 - Personal Privacy 2246 (62.1%)

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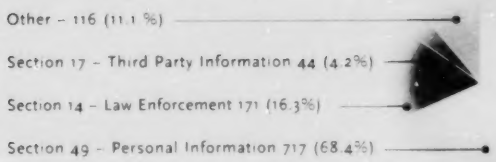
Other - 116 (11.1 %)
Section 17 - Third Party Information 44 (4.2%)
Section 14 - Law Enforcement 171 (16.3%)
Section 49 - Personal Information 717 (68.4%)

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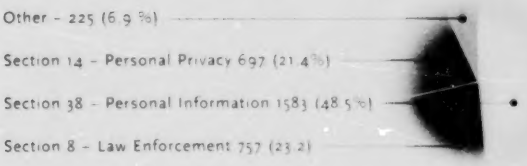

Other - 225 (6.9 %)
Section 14 - Personal Privacy 697 (21.4%)
Section 38 - Personal Information 1583 (48.5%)
Section 8 - Law Enforcement 757 (23.2)

CASES IN WHICH FEES WERE ESTIMATED – 2000

	Provincial		Municipal	
Collected in Full	90.5%	4223	43.3%	1321
Waived in Part	4.9%	228	1.5%	45
Waived in Full	4.6%	214	55.2%	1685
Total Application Fees Collected(dollars)		$51,165.00		$58,176.40
Total Additional Fees Collected(dollars)		$212,101.00		$99,694.31
Total Fees Waived(dollars)		$13,259.32		$20,747.68

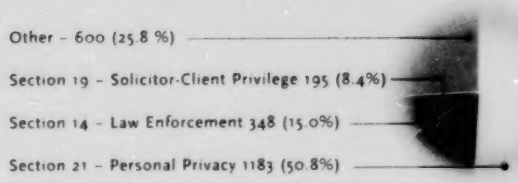
AVERAGE COST OF PROVINCIAL REQUESTS FOR 2000

Personal Information	$11.62
General Records	$36.22

AVERAGE COST OF MUNICIPAL REQUESTS FOR 2000

Personal Information	$8.08
General Records	$21.44

PROVINCIAL EXEMPTIONS, EXCLUSIONS AND FRIVOLOUS OR VEXATIOUS USED GENERAL RECORDS – 2000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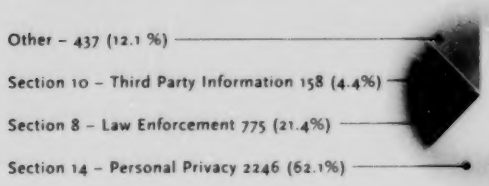
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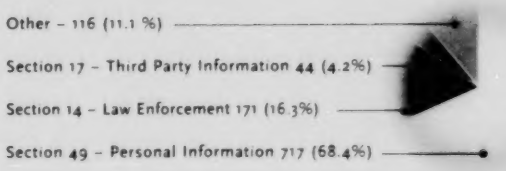
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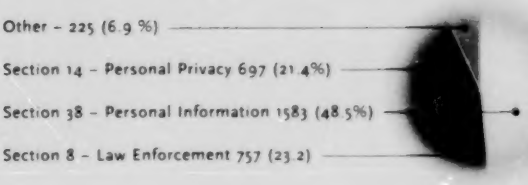
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Response Rate Compliance

Last year's annual report marked a significant shift in the way the IPC reports on compliance with the 30-day response standard. Instead of just citing the compliance rates for provincial and municipal institutions as groups, we added institution-specific information – as part of the IPC's efforts to encourage greater compliance with the response requirements of the *Acts*. The accompanying charts continue that process and also indicate whether an institution's compliance with the 30-day standard in 2000 improved or deteriorated over 1999.

Provincial Ministries

Overall, almost 54% of provincial requests were answered within 30 days in 2000, up slightly from 50% in 1999. The response rate for institutions with a Minister as the head rose slightly as well, from 48% in 1999 to 50.9% in 2000. A number of ministries that received a low number of requests did not have good results when compared to the 30-day standard. However, we have focussed our attention on those ministries that handled a high volume of requests.

In the 1999 annual report, three such ministries were singled out as having particularly poor compliance rates – Health and Long-Term Care, Environment, and Natural Resources. This year, while Health and Long-Term Care made a significant improvement in its compliance rate, Environment and Natural Resources once again fell short. There is, however, reason for optimism that these ministries will achieve improvements this year.

Since the 1999 annual report was released in June 2000, the IPC has been participating in joint projects with each of these ministries to identify barriers as well as solutions to the effective processing of requests.

Ministry of Health and Long Term Care

The Ministry of Health and Long Term Care's comprehensive approach has resulted in a significant improvement in its 30-day response time compliance rate. Over the course of 2000, this Ministry brought its rate up to 63.3%, from 43.2%, despite a 47% increase in the number of requests received.

In order to improve its commitment to FOI, the Ministry transferred responsibility for its Freedom of Information and Protection of Privacy Co-ordinator's office from the Legal Services Branch to the Corporate Services Division, and assigned an internal Ministry consultant to assist the Co-ordinator with a wide range of projects associated with FOI business improvement. An internal advisory group, consisting of staff involved in the FOI process across the Ministry, was established. The permanent staff complement of the Co-ordinator's office increased by two positions, and a contract position was approved to help address the increased caseload. These steps have resulted in a marked improvement in the processing of routine requests. The Ministry has also undertaken training initiatives, and has been actively monitoring caseload trends throughout the year. The Ministry hopes to introduce a new case management system which will enable the Co-ordinator's office to more effectively track and monitor request processing.

We are encouraged by the Ministry's accomplishments in 2000. In 2001, the Ministry should build on these successes, but not lose sight of the fact that almost 40% of its requests are still not meeting the 30-day statutory response standard. Increased levels of delegations to the Co-ordinator to make decisions regarding requests would unquestionably reduce delay. For those requests which reach the appeal stage, the Ministry should take full benefit of mediation services offered by this office. Informal resolution through settlement discussions facilitated by a mediator reduces workload pressures and results in improved client service.

PROVINCIAL: NUMBER OF REQUESTS COMPLETED IN 2000

(includes only Boards, Agencies and Commissions where the Minister is the Head)

Ministry	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
Agriculture, Food & Rural Affairs	27	25	16	64.0⇊	3	12.0	2	8.0	4	16.0
Attorney General/ONAS	436	486	352	72.4	48	9.9	28	5.8	58	11.9
Cabinet Office	56	50	37	74.0⇈	8	16.0	4	8.0	1	2.0
Citizenship, Culture & Recreation	78	80	29	36.3	26	32.5	10	12.5	15	18.7
Community & Social Services	298	298	243	81.5	22	7.4	20	6.7	13	4.4
Consumer & Commercial Relations	148	144	133	92.4	8	5.6	0	0.0	3	2.0
Correctional Services	244	212	110	51.9	46	21.7	20	9.4	36	17.0
Economic, Development & Trade	12	12	8	66.7	2	16.7	1	8.3	1	8.3
Education	49	35	8	22.9↑	4	11.4	7	20.0	16	45.7
Energy, Science & Technology	8	5	2	40.0⇈	2	40.0	0	0.0	1	20.0
Environment	3866	3604	909	25.2	2075	57.6	438	12.2	182	5.0
Finance	135	115	89	77.4⇈	20	17.4	3	2.6	3	2.6
Health & Long Term Care	1658	1751	1108	63.3⇈	509	29.1	61	3.5	73	4.1
Intergovernmental Affairs	6	6	6	100.0		0.0		0.0		0.0
Labour	842	829	724	87.3↑	83	10.0	13	1.6	9	1.1
Management Board Secretariat	60	51	35	68.6↑	6	11.8	4	7.8	6	11.8
Municipal Affairs & Housing	59	61	23	37.7⇊	19	31.1	9	14.8	10	16.4
Natural Resources	121	123	38	30.9↑	31	25.2	18	14.6	36	29.3
Northern Development & Mines	19	17	7	41.2	6	35.3	2	11.8	2	11.8
Solicitor General	1355	1371	757	55.2	217	15.8	116	8.5	281	20.5
Tourism	9	8	3	37.5	4	50.0	0	0.0	1	12.5
Training, Colleges and Universities	40	33	14	42.4↑	9	27.3	3	9.1	7	21.2
Transportation	312	280	230	82.2	37	13.2	6	2.1	7	2.5

↑ up 5% or more from 1999
⇈ up 15% or more from 1999

↓ down 5% or more from 1999
⇊ down 15% or more from 1999

PROVINCIAL: NUMBER OF REQUESTS COMPLETED IN 2000

(includes only Boards, Agencies and Commissions where the Minister is the Head)

Ministry	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
Agriculture, Food & Rural Affairs	27	25	16	64.0⇊	3	12.0	2	8.0	4	16.0
Attorney General/ONAS	436	486	352	72.4	48	9.9	28	5.8	58	11.9
Cabinet Office	56	50	37	74.0⇊	8	16.0	4	8.0	1	2.0
Citizenship, Culture & Recreation	78	80	29	36.3	26	32.5	10	12.5	15	18.7
Community & Social Services	298	298	243	81.5	22	7.4	20	6.7	13	4.4
Consumer & Commercial Relations	148	144	133	92.4	8	5.6	0	0.0	3	2.0
Correctional Services	244	212	110	51.9	46	21.7	20	9.4	36	17.0
Economic, Development & Trade	12	12	8	66.7	2	16.7	1	8.3	1	8.3
Education	49	35	8	22.9⇊	4	11.4	7	20.0	16	45.7
Energy, Science & Technology	8	5	2	40.0⇊	2	40.0	0	0.0	1	20.0
Environment	3866	3604	909	25.2	2075	57.6	438	12.2	182	5.0
Finance	135	115	89	77.4⇈	20	17.4	3	2.6	3	2.6
Health & Long Term Care	1658	1751	1108	63.3⇈	509	29.1	61	3.5	73	4.1
Intergovernmental Affairs	6	6	6	100.0		0.0		0.0		0.0
Labour	842	829	724	87.3⇈	83	10.0	13	1.6	9	1.1
Management Board Secretariat	60	51	35	68.6⇈	6	11.8	4	7.8	6	11.8
Municipal Affairs & Housing	59	61	23	37.7⇊	19	31.1	9	14.8	10	16.4
Natural Resources	121	123	38	30.9⇈	31	25.2	18	14.6	36	29.3
Northern Development & Mines	19	17	7	41.2	6	35.3	2	11.8	2	11.8
Solicitor General	1355	1371	757	55.2	217	15.8	116	8.5	281	20.5
Tourism	9	8	3	37.5	4	50.0	0	0.0	1	12.5
Training, Colleges and Universities	40	33	14	42.4⇈	9	27.3	3	9.1	7	21.2
Transportation	312	280	230	82.2	37	13.2	6	2.1	7	2.5

↑ up 5% or more from 1999
⇈ up 15% or more from 1999

↓ down 5% or more from 1999
⇊ down 15% or more from 1999

Ministry of Natural Resources

The Ministry of Natural Resources raised its compliance rate in 2000 from 20.4% to 30.9%. Although clearly not acceptable, at least it is a move in the right direction. One factor impacting on this Ministry's compliance rates is the significant proportion of requests requiring third party notification. Notification requirements delay a decision in order to permit input from individuals or organizations who might be impacted by the disclosure of records. The Ministry also issues a higher than normal number of time extensions, which could indicate that requests are complex or voluminous. When these two factors are taken into account, the Ministry's overall compliance rate improves to 39%, which still falls significantly short of expectations.

During 2000, this Ministry undertook a number of significant steps designed to enhance compliance. It added two new permanent staff positions to its Information and Privacy Unit; increased its focus on training; began to look at improvements in its records management systems; enhanced its case management and tracking system; and took the important step of delegating decision-making authority for routine requests to its Information and Privacy Co-ordinator. A number of these initiatives took place in the latter part of 2000, so their impact may not yet be fully realized. The Ministry is also playing a leadership role within the Ontario Public Service on its use of technology as an educational resource tool. The Co-ordinator's office has developed an electronic newsletter which it sends to all ministry staff involved in FOI issues, and plans to expand its work to include an FOI Intranet Web site in the upcoming year.

The Ministry of Natural Resources is a widely de-centralized organization with a large volume of record holdings. The statistics indicate that, during 2000, the Ministry did not fully address the need for efficient record searching in its regionalized operation, and the importance of effective co-ordination between the field and the centrally administered Co-ordinator's office. These problems were compounded by the decision-making process, which has since been addressed by delegating decision-making authority for routine requests to the Co-ordinator. Without improvements in these areas, delays beyond the 30-day period are inevitable, and this is an area that should receive priority attention. Requests received by this Ministry are also frequently controversial, and there are strong indicators that the lack of clarity and direction regarding the appropriate interface between FOI processing and "contentious issues management" policies (discussed elsewhere in this report) are contributing to the unsatisfactory compliance rates that continue to exist, despite the efforts of the Ministry and the involvement of this office.

Ministry of the Environment

Of the three ministries, the Ministry of the Environment is the only one whose 30-day compliance rate actually declined between 1999 and 2000, dropping from 29.5% to only 25.2%. Although the Walkerton crisis and long-standing resource pressures in the Ministry made 2000 a difficult year, this Ministry has a major challenge ahead of it in achieving even minimally acceptable FOI compliance rates. The Ministry has taken some steps in the right direction. During 2000, two Assistant Co-ordinator positions were added to its FOI office, and the Ministry has been working with regional and district offices to streamline processes for identifying responsive records and processing requests.

Like the Ministry of Natural Resources, the Ministry of the Environment is faced with the challenge of providing effective customer service to FOI requesters in a highly de-centralized organizational structure. However, this Ministry's job is simplified to some extent by the fact that the vast majority of its records holdings do not contain personal information.

MUNICIPAL: NUMBER OF REQUESTS COMPLETED IN 2000

TOP FIVE MUNICIPAL CORPORATIONS *(Population under 50,000)*, based on number of requests completed

Municipalities	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
Town of Caledon (44,820)	26	24	22	91.7	2	8.3	0	0.0	0	0.0
Township of Dorion (417)	15	15	15	100.0	0	0.0	0	0.0	0	0.0
Town of Georgina (35,035)	27	27	26	96.3	1	3.7	0	0.0	0	0.0
Town of Halton Hills (44,725)	13	12	8	66.7	4	33.3	0	0.0	0	0.0
Town of Orangeville (21,620)	8	15	8	53.3	0	0.0	0	0.0	7	46.7

TOP FIVE MUNICIPAL CORPORATIONS *(Population between 50,000 and 200,000)*

Municipalities	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
City of Kitchener (177,858)	336	336	332	98.8	3	0.9	0	0.0	1	0.3
County of Lambton (122,405)	169	169	169	100.0	0	0.0	0	0.0	0	0.0
Town of Oakville (132,696)	47	47	45	95.7	2	4.3	0	0.0	0	0.0
Town of Richmond Hill (110,160)	43	43	42	97.7	1	2.3	0	0.0	0	0.0
City of Thunder Bay (112,488)	74	78	78	100.0↑↑	0	0.0	0	0.0	0	0.0

TOP FIVE MUNICIPAL CORPORATIONS *(Population over 200,000)*

Municipalities	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
City of Hamilton (322,352)	85	63	19	30.2↓↓	17	27.0	7	11.1	20	31.7
Regional Municipality of Hamilton-Wentworth (459,638)	103	86	45	52.4↓↓	16	18.6	2	2.3	23	26.7
City of Mississauga (549,218)	235	219	187	85.4	27	12.3	4	1.8	1	0.5
City of Ottawa (330,228)	47	46	45	97.8	1	2.2	0	0.0	0	0.0
City of Toronto (2,162,147)	1929	1804	1393	77.2	285	15.8	65	3.6	61	3.4

↑ up 5% or more from 1999
↑↑ up 15% or more from 1999

↓ down 5% or more from 1999
↓↓ down 15% or more from 1999

MUNICIPAL: NUMBER OF REQUESTS COMPLETED IN 2000

TOP FIVE MUNICIPAL CORPORATIONS *(Population under 50,000)*, based on number of requests completed

Municipalities	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
Town of Caledon (44,820)	26	24	22	91.7	2	8.3	0	0.0	0	0.0
Township of Dorion (417)	15	15	15	100.0	0	0.0	0	0.0	0	0.0
Town of Georgina (35,035)	27	27	26	96.3	1	3.7	0	0.0	0	0.0
Town of Halton Hills (44,725)	13	12	8	66.7	4	33.3	0	0.0	0	0.0
Town of Orangeville (21,620)	8	15	8	53.3	0	0.0	0	0.0	7	46.7

TOP FIVE MUNICIPAL CORPORATIONS *(Population between 50,000 and 200,000)*

Municipalities	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
City of Kitchener (177,858)	336	336	332	98.8	3	0.9	0	0.0	1	0.3
County of Lambton (122,405)	169	169	169	100.0	0	0.0	0	0.0	0	0.0
Town of Oakville (132,696)	47	47	45	95.7	2	4.3	0	0.0	0	0.0
Town of Richmond Hill (110,160)	43	43	42	97.7	1	2.3	0	0.0	0	0.0
City of Thunder Bay (112,488)	74	78	78	100.0↑↑	0	0.0	0	0.0	0	0.0

TOP FIVE MUNICIPAL CORPORATIONS *(Population over 200,000)*

Municipalities	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
City of Hamilton (322,352)	85	63	19	30.2↓↓	17	27.0	7	11.1	20	31.7
Regional Municipality of Hamilton-Wentworth (459,638)	103	86	45	52.4↓↓	16	18.6	2	2.3	23	26.7
City of Mississauga (549,218)	235	219	187	85.4	27	12.3	4	1.8	1	0.5
City of Ottawa (330,228)	47	46	45	97.8	1	2.2	0	0.0	0	0.0
City of Toronto (2,162,147)	1929	1804	1393	77.2	285	15.8	65	3.6	61	3.4

↑ up 5% or more from 1999
↑↑ up 15% or more from 1999

↓ down 5% or more from 1999
↓↓ down 15% or more from 1999

This means that, with the exception of concerns regarding commercial information held by the Ministry, there is significant untapped potential for disclosing records on a routine and active basis, outside the *Act*. The Ministry has accepted the logic of moving in this direction, and has initiated a major project to upgrade its capacity to provide information electronically. Providing Web-enabled public access to larger amounts of public information will remove workload pressures on the FOI Co-ordinator's office, and there is no doubt that Routine Disclosure and Active Dissemination (RD/AD) of records results in improved customer service and satisfaction. I'm pleased to say that the Ministry has agreed to participate on our Electronic RD/AD Working Group (discussed elsewhere in this report), and we remain hopeful that the potential of technology may provide the Ministry of the Environment with the answer to its seriously deficient FOI administration.

Over the balance of 2001, the IPC will be working with a number of the large ministries whose 30-day response rate is below 60%, including the Ministries of the Solicitor General and Correctional Services.

Best Records

As was done last year, we would also like to recognize those ministries that received a large volume of requests and still achieved a high level of success in meeting the 30-day response standard. Four ministries – **Community and Social Services**, **Consumer and Commercial Relations**, **Labour**, and **Transportation** – continued to answer more than 75% of their requests within the required time frame. In addition, the **Ministry of Finance** improved its compliance rate from 60.5% to 77.4%.

Municipal institutions

In 2000, municipal institutions once again achieved a higher level of compliance with the 30-day standard than provincial institutions. As noted in last year's report, this has been a consistent trend historically. In total, municipal government organizations responded to 81.6% of requests within 30 days in 2000, down from 85% in 1999. However, this remains significantly better than the response rates for provincial institutions.

Five accompanying charts examine the municipal institutions that received the largest number of requests.

Municipalities

Municipalities have been grouped according to their population. Among larger institutions, the City of Hamilton has experienced a significant decline, from 71% in 1999 to 30.2% in 2000. A large number of those requests (31.7%) took longer than 90 days to complete. Similarly, the Regional Municipality of Hamilton-Wentworth experienced a decline in meeting the 30-day standard from 82.4% in 1999 to 52.4% in 2000. Both institutions pointed to limited resources and an increased number of requests as potential explanations for this decline.

Small and medium sized municipal institutions continue to perform well. Among the latter group, the cities of Kitchener and Thunder Bay, and the County of Lambton achieved outstanding results while responding to a significant number of requests.

Police Services

As in 1999, police services generally showed superior compliance results. Halton Regional Police Services had an outstanding performance in 2000, meeting all of its requests within the 30-day standard. It is to be commended for this achievement.

The London Police Service reported that 64.2% of the requests completed in 2000 were responded to within 30 days. However, this relatively low level of compliance appears to be based on the large number of requests involving Notices to Affected Parties. If this had been taken into consideration, all but one

MUNICIPAL: NUMBER OF REQUESTS COMPLETED IN 2000

TOP FIVE POLICE INSTITUTIONS *(ranked on number of requests)*

Institutions	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
Durham Regional Police Service	436	438	391	89.3	46	10.5	1	0.2	0	0.0
Halton Regional Police Service	474	471	471	100.0	0	0.0	0	0.0	0	0.0
London Police Service	272	285	183	64.2↓	102	35.8	0	0.0	0	0.0
Niagara Regional Police Service	494	493	389	78.9↓↓	89	18.1	4	0.8	11	2.2
Toronto Police Service	2273	2270	1390	61.2↓↓	671	29.6	156	6.9	53	2.3

TOP FIVE HYDRO ELECTRIC COMMISSIONS *(ranked on number of requests)*

Institutions	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
Amherstburg Hydro-Electric Commission	130	130	130	100.0	0	0.0	0	0.0	0	0.0
LaSalle Hydro-Electric System	92	92	92	100.0	0	0.0	0	0.0	0	0.0
Leamington Hydro	154	154	154	100.0	0	0.0	0	0.0	0	0.0
Tecumseh Hydro-Electric Commission	112	112	112	100.0	0	0.0	0	0.0	0	0.0
Welland Hydro-Electric Commission	871	871	871	100.0	0	0.0	0	0.0	0	0.0

↑ up 5% or more from 1999
↑↑ up 15% or more from 1999
↓ down 5% or more from 1999
↓↓ down 15% or more from 1999

request would have been responded to within the legislated timeframe. The compliance rate for the Toronto Police Service fell from 82.2% in 1999 to 61.2% in 2000. The institution attributed this decline to a number of factors, including increased requests and staff shortages. It should be noted that the Toronto Police Service did respond to 90.8% of requests within 60 days.

Hydro Electric Commissions

The excellent results reported in 1999 by the five hydro electric commissions receiving the most requests were duplicated in 2000. In fact, the five commissions receiving the most requests reported a perfect compliance record in 2000. This record is even more impressive when the number of requests received is considered – in the case of the Welland Hydro-Electric Commission, some 871.

MUNICIPAL: NUMBER OF REQUESTS COMPLETED IN 2000

TOP FIVE POLICE INSTITUTIONS *(ranked on number of requests)*

Institutions	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
Durham Regional Police Service	436	438	391	89.3	46	10.5	1	0.2	0	0.0
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London Police Service	272	285	183	64.2↓	102	35.8	0	0.0	0	0.0
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Institutions	Requests	Requests	Within 1-30 days		Within 31-60 days		Within 61-90 days		More Than 90 days	
	Received in 2000	Completed in 2000	No. of Requests	%	No. of Requests	%	No. of Requests	%	No. of Requests	%
Amherstburg Hydro-Electric Commission	130	130	130	100.0	0	0.0	0	0.0	0	0.0
LaSalle Hydro-Electric System	92	92	92	100.0	0	0.0	0	0.0	0	0.0
Leamington Hydro	154	154	154	100.0	0	0.0	0	0.0	0	0.0
Tecumseh Hydro-Electric Commission	112	112	112	100.0	0	0.0	0	0.0	0	0.0
Welland Hydro-Electric Commission	871	871	871	100.0	0	0.0	0	0.0	0	0.0

↑ up 5% or more from 1999
⇈ up 15% or more from 1999
↓ down 5% or more from 1999
⇊ down 15% or more from 1999

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Appeals by the Public

The right to appeal a government organization's decision to an independent body is one of the foundations of access and privacy legislation in Ontario. If you make a request under the *Acts* to a provincial or municipal government organization and are not satisfied with the response, you can appeal the decision to the IPC.

Appeals can be filed concerning a refusal to provide access to general records or personal information, a refusal to correct personal information, the amount of fees charged, the fact that the organization did not respond within the prescribed 30-day period, or other procedural aspects relating to a request.

When an appeal is received, the IPC first attempts to settle the appeal informally. If all the issues cannot be resolved within a reasonable period of time, the IPC may conduct an inquiry and issue a binding order, which could include ordering the government organization to release all or part of the information sought.

Focus On Mediation

The IPC's Tribunal Services Department continued its efforts in 2000 to make mediation the preferred method of dispute resolution. Mediation is the process by which the IPC investigates the circumstances of an appeal and attempts to effect either the full settlement of all issues, or the simplification of the file through:

- settling some issues;
- reducing the number of records in dispute;
- clarifying the issues; or
- educating the parties, leading to a better understanding of the issues and the *Acts*.

Some of the benefits of mediation include:

- win-win settlements that are not available through the adjudication stage of the appeal process;
- a recognition that all files are not the same and that a variety of approaches provide better client service; and
- quicker, less costly and less formal method of dispute resolution.

Statistical Overview-Appeals Opened

Overall, 857 appeals were made to the IPC in 2000, up six percent from the previous year. This includes three non-jurisdictional appeals. Of these 857 appeals, approximately 53% were filed under the provincial *Act*, and 46% under the municipal *Act*.

The number of provincial appeals received, 457, was identical to the number received in 1999. Eighty-one percent of provincial appeals involved ministries rather than agencies. This proportion is similar to that of previous years.

The Ministry of the Solicitor General was involved in the largest number of appeals (80). Environment had the second highest (45), followed by Health and Long-Term Care (38), the Attorney General (34), and Natural Resources (29). The agencies with the highest number of appeals included the Ontario Realty Corporation (19), the Ontario Lottery and Gaming Corporation (14), the Ontario Human Rights Commission (12), the Alcohol and Gaming Commission (10) and the Public Guardian and Trustee (9).

Municipal appeals were up 15% in 2000. The largest proportion of appeals under the municipal *Act* – 49% – concerned the police, followed by municipal corporations and then boards of education. These proportions are similar to those in 1999.

Overall, more than half of the appeals were related to the exemptions claimed by institutions in refusing to grant access. An additional 10% concerned other issues as well as exemptions. Fourteen percent of appeals were the result of a deemed refusal to provide access (i.e., not responding within the statutory response time). In almost six percent of appeals, the issue was whether the institution had conducted a rea-

APPEALS OPENED – 1988-2000

*These totals include non-jurisdictional appeals.

sonable search for responsive records. The remaining 18% related to fees, time extensions and other issues.

In comparing provincial and municipal appeals, 60% of the appeals under the municipal *Act* were related to the exemptions, while only 46% of appeals under the provincial *Act* were related to this issue. In addition, while 17% of provincial appeals were the result of a deemed refusal, only 10% of municipal appeals were related to this issue.

The majority of appellants – 59% – were individual members of the public (down nine percent from 1999). The next largest group of appellants was from the business community, followed by the media, and associations/groups.

Of the 857 appeals opened in 2000, 130 or 15% involved a representative acting on behalf of an appellant. In 92% of these cases, the representative was a lawyer. Various other agents were involved in the remaining appeals. A representative was somewhat more likely to be involved in an appeal under the municipal *Act* (18%) than an appeal under the provincial *Act* (13%).

Appeals Closed

The IPC closed 853 appeals during 2000 — an increase of 21% from 1999. This includes three non-jurisdictional appeals. As in previous years, more than half (463) of the appeals resolved concerned provincial government organizations. Forty-five percent (387) of the closed appeals concerned municipal institutions. The number of closed municipal appeals was up 16% from 1999, while the number of closed provincial appeals was 25% higher than 1999.

Consistent with the IPC's emphasis on mediation, the largest proportion of appeals – 72% – were closed without the need for a formal order. Of the appeals closed by means other than order, 60% were successfully mediated, 30% were withdrawn, four percent were screened out and four percent were abandoned. An additional two percent of appeals were dismissed without an inquiry.

Of the 853 appeals closed in 2000, 20% were closed during the intake stage, 45% during the mediation stage, and 35% during the adjudication stage.

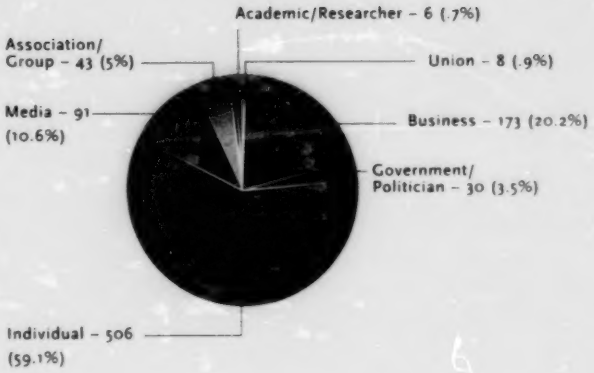
Of the appeals closed during the intake stage, 78% were withdrawn, 16% were screened out and six percent were abandoned. Of the appeals closed during the mediation stage, 88% were successfully mediated, six percent were withdrawn, two percent were aban-

doned, and four percent were closed by issuing an order. And, of the appeals that were closed during the adjudication stage, 74% were closed through the issuing of a formal order, 12% settled after the beginning of an inquiry, eight percent were withdrawn, four percent were dismissed without an inquiry, and two percent were abandoned.

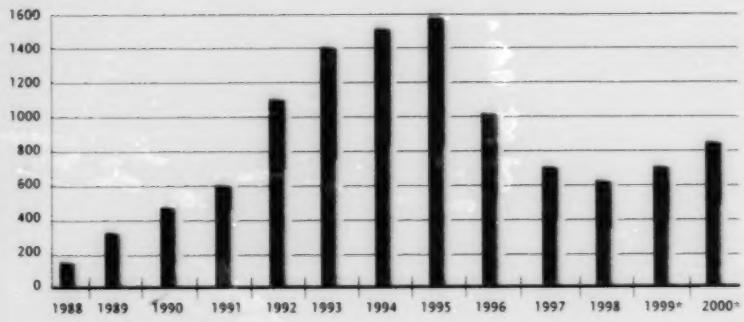
Twenty-eight percent of closed appeals were resolved by issuing an order, up slightly from 1999. The IPC issued 213 final orders during 2000, up 27 from the previous year. In addition, the IPC issued 14 interim orders and six reconsideration orders.

In appeals resolved by order, the decision of the head of the government organization was upheld in 39% of the cases and partly upheld in another 37%. The head's decision was not upheld in 12% of the appeals. Twelve percent of orders had other outcomes. The percentages are similar to those of the previous year.

TYPES OF APPELLANTS

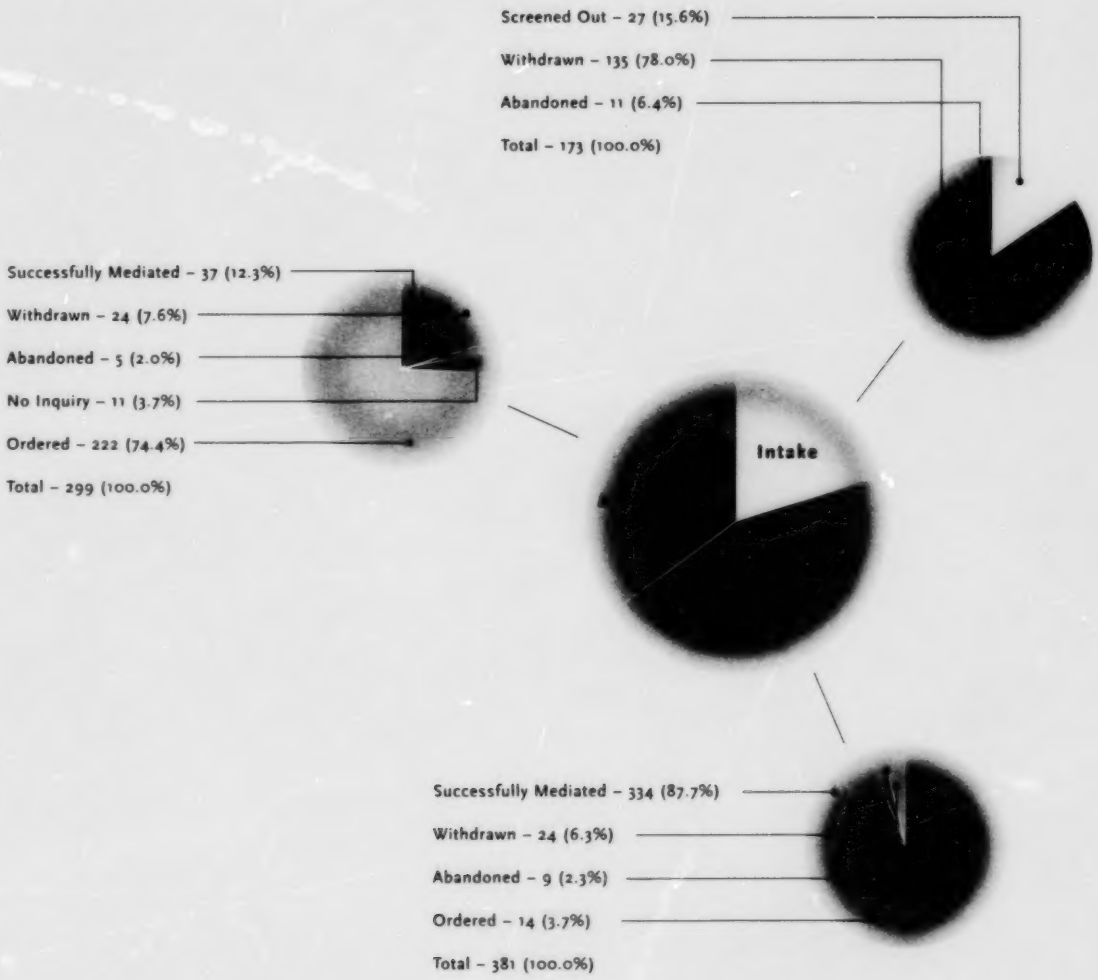

Academic/Researcher – 6 (.7%)
Association/ Group – 43 (5%)
Union – 8 (.9%)
Media – 91 (10.6%)
Business – 173 (20.2%)
Government/ Politician – 30 (3.5%)
Individual – 506 (59.1%)

APPEALS CLOSED – 1988-2000



*These totals include non-jurisdictional appeals.

OUTCOME BY STAGE – 2000


Screened Out – 27 (15.6%)
Withdrawn – 135 (78.0%)
Abandoned – 11 (6.4%)
Total – 173 (100.0%)
Successfully Mediated – 37 (12.3%)
Withdrawn – 24 (7.6%)
Abandoned – 5 (2.0%)
No Inquiry – 11 (3.7%)
Ordered – 222 (74.4%)
Total – 299 (100.0%)
Intake
Successfully Mediated – 334 (87.7%)
Withdrawn – 24 (6.3%)
Abandoned – 9 (2.3%)
Ordered – 14 (3.7%)
Total – 381 (100.0%)

APPEALS RECEIVED BY ISSUE – 2000

	Total	%
Exemptions	448	52.3
Exemptions with other issues	86	10.0
Deemed Refusal	120	14.0
Reasonable Search	48	5.6
Interim Decision	29	3.4
Third Party	20	2.3
Fees	14	1.6
Time extension	9	1.0
Correction	5	0.6
Inadequate Decision	6	0.7
Frivolous/vexatious request	4	0.5
Request for personal information	3	0.4
Request for general records	1	0.1
Other	64	7.5
Total	857*	100.0

*This includes three non-jurisdictional appeals that were received in 2000.

OUTCOME OF APPEALS CLOSED BY ORDER – 2000

Head's Decision	Total	%
Upheld	92	38.9
Partly Upheld	88	37.3
Not Upheld	28	11.9
Other	28	11.9
Total	236	100.0

OUTCOME OF APPEALS CLOSED OTHER THAN BY ORDER – 2000

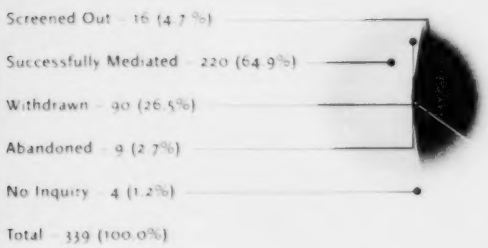
	Total	%
Screened Out	27	4.4
Successfully Mediated	371	60.1
Withdrawn	183	29.7
Abandoned	25	4.0
Total	617*	100.0

*This includes three non-jurisdictional appeals that were closed in 2000.

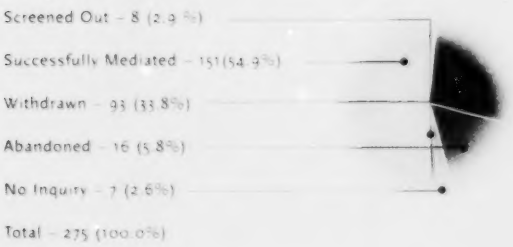
IPC APPEALS APPLICATION FEES COLLECTED – 2000

General Records	$10,308
Personal Information	$1,914

OUTCOME OF APPEALS CLOSED OTHER THAN BY ORDER - PROVINCIAL – 2000



OUTCOME OF APPEALS CLOSED OTHER THAN BY ORDER - MUNICIPAL – 2000



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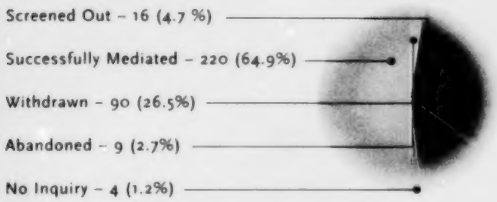
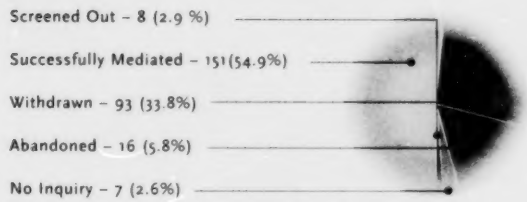


Total – 339 (100.0%)

OUTCOME OF APPEALS CLOSED OTHER THAN BY ORDER - MUNICIPAL – 2000



Total – 275 (100.0%)

Judicial Reviews

Our 1998 annual report identified the reduction in access and privacy rights resulting from the passage of the *Labour Relations and Employment Statute Law Amendment Act*, 1995 (Bill 7). Under this law, a significant amount of employment and labour relations information was excluded from coverage under the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* (the *Acts*).

In 2000, the Divisional Court upheld three IPC decisions that established reasonable limits on the type of information excluded under Bill 7.

Under this law, labour relations and employment-related records are excluded from the scope of the *Acts* if they are collected, prepared, maintained or used by institutions in connection with actual or anticipated proceedings, negotiations or other communications about labour relations or employment matters "in which the institution has an interest."

One of the three cases under review involved an investigation into a complaint under the *Police Services Act*, which had concluded six years before the request was made.[1] Another dealt with records pertaining to a concluded job competition where no grievances relating to it had been filed.[2] The third case involved records reflecting ranks and education levels of former municipal police chiefs who had joined the OPP as a result of amalgamations.[3]

In each of the orders under review, the IPC found that the term "has an interest" means that the "matter" in question must have the capacity to affect the institution's legal rights or obligations, and there must be a reasonable prospect that this "interest" will be engaged. Based on the stated purpose of Bill 7 — to restore balance and stability to labour relations, and the purposes of the *Acts* — to provide access to records and protect individual privacy, the IPC held that the Bill 7 exclusion should apply only to proceedings that are ongoing, anticipated, or recently concluded. Records involving matters which have long since concluded and could not possibly impact on labour and employment relations, are not excluded by the amendments.

The Divisional Court rejected the government's argument that the Bill 7 amendments were intended to exclude all labour and employment records permanently, and upheld the Commissioner's orders.

An important aspect of the decision is the standard of review the Court applied to the IPC's orders. The 1999 Annual Report discussed the deference shown by the Court when the IPC interprets and applies the exemptions, the "public interest override," and the IPC's own processes. The Divisional Court's ruling in the Bill 7 cases expanded its deferential approach to include the interpretation of provisions which limit the application of the *Acts*, as long as the records are under an institution's "control." The Court said that it would also have upheld the orders even applying a more rigorous "correctness" standard. The Ontario Court of Appeal has granted the government leave to appeal the Divisional Court decisions, and the arguments were heard in February of 2001.

Another Divisional Court ruling[4] upheld the IPC's decision ordering disclosure of a report of the Health Professions Regulatory Advisory Council (HPRAC) concerning the regulation of practitioners of naturopathic medicine. The Ministry of Health argued that the report did not fit within an exception to the "advice to government" exemption, because it was directed to the "Minister," not the "Ministry," and was never acted upon. The IPC found that HPRAC was established to undertake inquiries and make recommendations to the Ministry, and that this was the very kind of report that the Legislature intended should be disclosed under the exception. The Court deferred to the IPC's "reasonable" determination on this issue.

The Ministry also argued in this case that the inquiry process followed by the Commissioner was unfair because: (1) the Commissioner's Notice of Inquiry did not state explicitly that the order would

turn on this particular exception; and (2) the Commissioner based the order on independent research derived from publicly available government sources without giving the Ministry an opportunity to make submissions on this information. The Court disagreed that the process was unfair, holding that it was sufficient that the Notice of Inquiry invited the parties to make representations on the issues in the appeal, including the exceptions to the advice to government exemption. The Court referred to the principles enunciated by the Supreme Court of Canada in *Baker v. Canada*[5] that tribunals need not achieve procedural perfection, but rather must balance the need for fairness, efficiency and predictability of outcome. The Court's ruling confirms that the Commissioner has discretion to fashion an efficient process for dealing with appeals and conducing inquires, as long as the parties are given adequate notice of the issues to be considered.

[1] *Solicitor General and Minister of Correctional Services v. Mitchinson et al.* (March 21, 2000), Toronto Doc. 681/98 (Div. Ct.), leave to appeal granted June 29, 2000, Tor. Doc. M25699 (C.A.).

[2] *Attorney General for Ontario v. Mitchinson et al.* (March 21, 2000), Toronto Doc. 698/98 (Div. Ct.), leave to appeal granted June 29, 2000, Tor. Doc. M25697 (C.A.).

[3] *Solicitor General and Minister of Correctional Services v. Mitchinson et al.* (March 21, 2000), Toronto Doc. 209/99 (Div. Ct.), leave to appeal granted June 29, 2000, Tor. Doc. M25700 (C.A.).

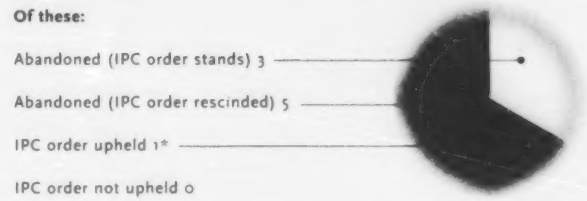
[4] *Minister of Health and Long-Term Care v. Goodis et al.* (November 14, 2000), Toronto Doc. 684/99 (Div. Ct.)

[5] *Baker v. Canada (Minister of Citizenship and Culture)* (1999), 174 D.L.R. (4th) 193 (S.C.C.)

OUTSTANDING JUDICIAL REVIEWS AS OF DECEMBER 31, 2000: 28

New applications received in 2000: 13

JUDICIAL REVIEWS CLOSED IN 2000: 9



* *Order upheld: PO-1709*

Privacy Investigations

To help protect personal privacy, the *Acts* establish rules that govern the collection, retention, use, disclosure, security, and disposal of personal information held by government organizations.

If you believe that a provincial or municipal government organization has failed to comply with one of the *Acts* – and that your privacy has been compromised as a result – you can file a complaint with the Information and Privacy Commission. The IPC will look into the complaint. In many cases, we attempt to mediate a solution. The IPC may make formal recommendations to a government organization to amend its practices.

As part of its oversight role, the IPC reviews proposed legislation and programs to see if they comply with the *Acts*. In addition, the IPC comments on the privacy aspects of any computer-matching proposals made by government organizations.

New Privacy Complaint Process

As part of its commitment to continuous improvement, the IPC's Tribunal Services Department completed a comprehensive review of the privacy complaint process. In October, the department implemented a new processes for all new complaints received. The following sets out some of the most notable changes:

- an expanded Registrar role and intake function to screen and stream files to the most effective and appropriate process, based on past experience;
- some files now can be resolved informally in the *Intake Resolution Stream* rather than going through the more formal *Investigation Stream;*
- a new standard report format is being used for all privacy complaint files;
- a draft investigation report is provided to the parties as a check against errors or omissions;
- draft reports are now signed by the mediator who conducted the investigation;
- the final report is endorsed by the Commissioner or Assistant Commissioner; and
- final reports for unresolved files include the name of the institution and are available to the public on the IPC Web site, unless the privacy of the complainant might be compromised.

Probing Complaints

The IPC received a total of 77 complaints and completed 82 investigations in 2000, including two non-jurisdictional investigations. There were 18% fewer privacy complaints than there were in 1999. Ten formal investigation reports were issued in 2000, resulting in 43 recommendations to government organizations.

The 82 privacy investigations completed in 2000 involved 90 issues. The disclosure of personal information was the most frequent issue. It was raised in 79% of the complaints. The collection of personal information was an issue in 15%, while the security of personal information was an issue in six per cent of complaints.

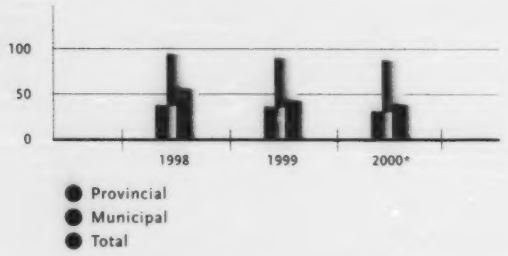
The IPC continues to emphasize informal resolution. Consistent with this approach, the majority of complaints – 88% – were closed without the issuance of a formal report. About 33% were successfully mediated and another 23% were closed informally by letter. An additional 22% were either withdrawn or abandoned and about 10% screened out during intake. About 12% required a formal report.

Of the completed investigations, 30% were closed at the Intake stage, up from 18% in 1999. Of these, 44% were withdrawn, 32% were screened out, 16% were closed by letter and eight per cent were abandoned.

If privacy complaints move beyond the Intake stage, they are streamed to Mediation. Seventy per cent of privacy investigations were closed at the Mediation stage. Of these, 47% were successfully mediated, 26% were closed informally by letter, 18% were closed by issuing a formal report, seven per cent were withdrawn, and two per cent abandoned.

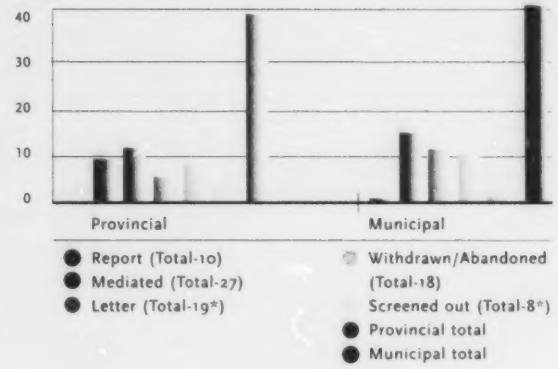
The privacy investigations revealed that institutions had complied with the *Acts* with respect to 44% of the issues raised. Institutions were found not to have complied with the *Acts* with respect to 17% of the issues and to have partially complied with the *Acts* in slightly under five per cent. In 12% of the issues, the *Acts* were found not to apply. No conclusion was reached with respect to 22% of the issues.

NUMBER OF PRIVACY INVESTIGATIONS COMPLETED 1998-2000



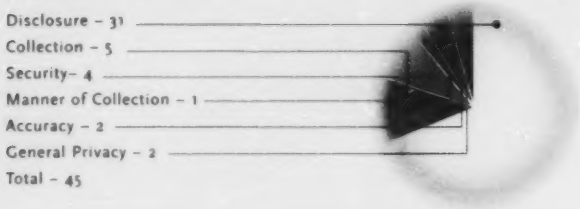
*This total includes two non-jurisdictional investigations.

PRIVACY INVESTIGATIONS COMPLETED BY TYPE OF RESOLUTION – 2000



* These totals include non-jurisdictional investigations

ISSUES IN COMPLETED PRIVACY INVESTIGATIONS PROVINCIAL – 2000



ISSUES IN COMPLETED PRIVACY INVESTIGATIONS MUNICIPAL – 2000

SUMMARY OF PRIVACY INVESTIGATIONS – 2000

	1999 Privacy Complaints (Provincial)	1999 Privacy Complaints (Municipal)	1999 Total	2000 Privacy Complaints (Provincial)	2000 Privacy Complaints (Municipal)	2000 Total
Carried Forward	11	14	25	17	14	31
Opened	46	48	94	44	31	77*
Completed	40	48	88	39	41	82*
In Process	17	14	31	22	4	26

* These totals include two non-jurisdictional complaints.

OUTCOME OF PRIVACY ISSUES INVESTIGATED – 2000

	Provincial Investigations	Municipal Investigations	2000 Total
Did not comply with the *Act*	9	6	15
Complied with the *Act*	21	19	40
Partially complied	3	1	4
Act does not apply	3	6	11*
Unable to conclude	9	11	20
Total	45	43	90* •

* These totals include two non-jurisdictional investigations.
• There are more issues than investigations, since an investigation may involve more than one issue.

PRIVACY INVESTIGATIONS BY TYPE OF RESOLUTION & STAGE CLOSED – 2000

	Intake	Mediation	2000 Total
Screened out	8	0	8*
Mediated	0	27	27
Letter	4	15	19*
Report	0	10	10
Withdrawn	11	4	15
Abandoned	2	1	3
Total	25	57	82

* These totals include two non-jurisdictional investigations.

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	1999 Privacy Complaints (Provincial)	1999 Privacy Complaints (Municipal)	1999 Total	2000 Privacy Complaints (Provincial)	2000 Privacy Complaints (Municipal)	2000 Total
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Monitoring Legislation and Programs

Part of the mandate of the IPC under the *Freedom of Information and Protection of Privacy Act* is to offer comment on the privacy protection implications and access implications of proposed government legislative schemes or government programs. We take this mandate very seriously and were pleased with the extent to which ministries sought our advice during 2000. The following list provides an overview of the work done by the IPC during 2000 that focussed on provincial government activities.

Ministry Consultations:

- Attorney General: *Electronic Commerce Act, Remedies for Organized Crime and Other Unlawful Activities Act;*
- Community and Social Services: Business Transformation Project;
- Correctional Services: Alternative Service Delivery for Correctional Institutions;
- Education: *Safe Schools Act* revisions to the *Education Act;*
- Health: *Human Tissue Gift Amendment Act;*
- Independent Electrical Market Operator: Dispute Resolution Process;
- Management Board Secretariat: WIN Project and Privacy Impact Assessment;
- Municipal Affairs and Housing: *Social Housing Reform Act;*
- Transportation: Review of Authorized Requester Program;
- Solicitor General: Major Case Management Project.

Submissions Prepared:

- Response to the Ministry of Consumer and Commercial Relations' discussion paper on Private Sector Privacy Legislation;
- Response to the Ministry of Health and Long-Term Care's proposed Personal Health Information Privacy Legislation;
- Submission to the Standing Committee on Justice and Social Issues on Bill 128 – *Social Housing Reform Act.*

Working Group Participation:

- Attorney General, Solicitor General and Correctional Services' Integrated Justice Working Group on Access and Privacy Issues;
- Management Board Secretariat's Smart Card Working Group and External Advisory Committee;
- MBS's PKI Working Group;
- MBS's development of its Freedom of Information Guideline;
- Natural Resources, Environment and Health's Access to Information Improvement Projects;
- Transportation's Red Light Camera Working Group.

Outreach Program

All five core elements of the IPC's outreach program were expanded in 2000 as part of the IPC's efforts to help educate the public about access and privacy laws and issues.

Speeches and presentations

Commissioner Ann Cavoukian was a keynote speaker at a number of major conferences and also made special presentations at universities and to various groups. Among these were presentations to the 2000 National Foreign Policy Conference, organized by the Canadian Institute of International Affairs; Harvard University faculty and others involved in the Harvard Information Infrastructure Project; the World Affairs Conference at Upper Canada College; the National Criminal Justice Association; the Centre for Leadership; Showcase Ontario; the Canadian Bar Association of Ontario; "Managing the Privacy Revolution" — a major privacy conference in Washington; the annual access and privacy conference organized by Management Board; the Faculty of Law at the University of Toronto, the Richard Ivey School of Business at the University of Western Ontario and a colloquium at McMaster University.

Other segments of the IPC's speakers' program include:

- *Reaching out to Ontario*, under which a team of speakers from the IPC – led by the Commissioner or the Assistant Commissioner – visit a region of Ontario and make presentations to various groups. In 2000, the first full year for this program, IPC teams visited the Kingston-Belleville area; Thunder Bay, and the Hamilton-Burlington area.

- an expanded university program, where senior members of the IPC's Policy and Legal Departments make presentations to faculty and students in business, technology and law programs.

- an expanded media program, under which the IPC's Communications Co-ordinator addresses college and university journalism or electronic media classes, and workshops at media organizations.

- a general public speaking program, where IPC staff make presentations to various groups or organizations. Presentations in 2000 included those to: the Personal Computer Club of Toronto (on Internet privacy); Ryerson's Faculty of Community Services (on access and privacy issues), a Seneca College ethics class (access and privacy), a Humber College public administration class (access and privacy), and an OAC law class at Oakville's Iroquois Ridge High School (on privacy issues).

Media Relations

Media reports are one of the ways that many Ontario residents learn about access and privacy issues. The IPC has both pro-active and responsive media relations programs. The Commissioner is the official spokesperson for the IPC and accepts as many media requests for interviews as her schedule allows. During 2000, the Commissioner gave 71 media interviews – to national newspaper, magazine, TV, and radio reporters; Ontario media; international media; and online media. Also during the year, as part of the IPC's efforts to focus attention on freedom of information and privacy issues, the Commissioner or Assistant Commissioner met with the editorial boards of a number of leading Ontario newspapers.

IPC Publications

The IPC released 17 publications or submissions in 2000, including *A Special Report to the Legislative Assembly of Ontario on the Disclosure of Personal Information by the Province of Ontario Savings Office, Ministry of Finance*, and two major submissions. The first submission was in response to *A Consultation Paper: Proposed Ontario Privacy Act*, and the second in response to the Ontario's proposed *Health Information Protection Privacy Act*.

Among the publications were *Web Seals: A Review of Online Privacy Programs*, a joint paper by the IPC and the Federal Privacy Commissioner of Australia; and *P3P and Privacy: An update for the Privacy Community*, a joint paper produced by the IPC and the Centre for Democracy and Technology in Washington. Another publication, *Routine Disclosure/Active Dissemination: A Best Practice in the City of Mississauga*, jointly produced by the City of Mississauga and the IPC, was released to help promote the routine release and active dissemination of information by government organizations.

A full list of all IPC publications released in 2000 is on the first page following this section.

School Program

The IPC launched the second phase of its school program in 2000 — a guide for Grade 10 civics teachers, *What Students Need to Know About Freedom of Information and Protection of Privacy*.

Just like the previous year, when the IPC produced a similar teachers' guide for Grade 5 social studies teachers, the response was very quick and very positive. More than a thousand copies of the Grade 10 guide were requested or downloaded in the first few months.

A companion Grade 10 program, *Ask an Expert*, was also started in 2000. Under this program, a speaker from the IPC's Tribunal Services Department visits a school to answer questions after the teacher has devoted several classes to the *What Students Need to Know About Freedom of Information and Protection of Privacy* program. (The number of speakers is limited.)

Both the Grade 10 and Grade 5 teachers' guides, and brochures outlining the programs, are available on the IPC's Web site: **http://www.ipc.on.ca/english/educate/educate.htm**.

IPC Web Site

Another cornerstone of the outreach program, the IPC's Web site contains a plethora of information about access and privacy issues and legislation. The information readily available includes all IPC publications and orders, copies of the legislation the IPC operates under, press releases, selected speeches and other presentations, educational material, common questions and answers, brochures, and links to other Web sites focusing on access and/or privacy. For information about some of the new sections added to the Web site (**www.ipc.on.ca**) in 2000, see the page following the publications section.

Media reports are one of the ways that many Ontario residents learn about access and privacy issues.

Publications

To help fulfil its mandate to educate the public about Ontario's access and privacy laws, the IPC has an extensive publications program, which includes the annual report, the semi-annual newsletter *IPC Perspectives*, policy papers — which examine major access or privacy issues — plus a plethora of other publications, including teachers' kits for Grade 5 social studies and Grade 10 civics teachers, special reports, and IPC submissions.

The IPC's publications in 2000, in order of publication:

- *P3P and Privacy: An update for the Privacy Community*, a joint paper produced by the IPC and the Centre for Democracy and Technology.
- Spring 2000 edition of *Perspectives*.
- *Privacy Design Principles for an Integrated Justice System*, a working paper jointly produced by the IPC and the U. S. Department of Justice, Office of Justice Programs.
- *A Special Report to the Legislative Assembly of Ontario on the Disclosure of Personal Information by the Province of Ontario Savings Office, Ministry of Finance.*
- 1999 Annual Report.
- *Privacy Impact Assessment for Justice Information Systems*, a working paper jointly produced by the IPC and the United States Department of Justice, Office of Justice Programs.
- *Multi-Application Smart Cards: How to do a Privacy Assessment*, a joint project of the IPC and the Advanced Card Technology Association of Canada.
- *The IPC's Code of Procedure, and Practice Directions 1 to 10*, for appeals under the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act.*
- *What Students Need to Know About Freedom of Information and Protection of Privacy*, a guide for Grade 10 civics teachers, created by the IPC in consultation with curriculum specialists and classroom teachers.
- *Making an access request to a Police Service Board*, a joint project of the IPC and the St. Thomas Police Services Board. The brochure was created to assist members of the public who are considering making a freedom of information request to a police department.
- *Web Seals: A Review of Online Privacy Programs*, a joint paper by the IPC and the Federal Privacy Commissioner of Australia, for presentation to the 22nd International Conference on Privacy and Personal Data Protection, Venice, Italy, in September, 2000.
- *Should the OECD Guidelines Apply to Personal Data Online?* A report to the 22nd International Conference of Data Protection Commissioners.

- *Submission to the Ministry of Consumer and Commercial Relations in Response to A Consultation Paper: Proposed Ontario Privacy Act.*

- *Submission to the Ministry of Health and Long-Term Care in Response to Ontario's Proposed Personal Health Information Privacy Legislation for the Health Sector (Health Sector Privacy Rules).*

- Fall 2000 edition of *Perspectives.*

- *Municipal Freedom of Information and Protection of Privacy Act: How it Works at the Town of Milton,* which was jointly produced by the Town of Milton and the IPC.

- *Routine Disclosure/Active Dissemination: A Best Practice in the City of Mississauga,* which was jointly produced by the City of Mississauga and the IPC.

All IPC publications are available on the IPC's Web site, **www.ipc.on.ca**, or you can call the Communications Department at 416-326-3333 or 1-800-387-0073 to request copies of specific publications.

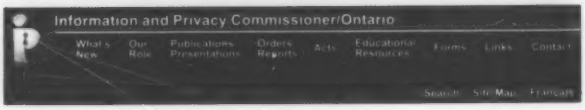
IPC Web Site

The IPC redesigned and reconfigured its Web site in 2000 to make it more user friendly to visitors, who range from the public, university professors, journalists, and experienced Web researchers to children as young as six. (That information comes from individuals who either sent e-mails or called. The IPC does not track visitors.)

And, as part of its continuing program to add pertinent new sections to the Web site, a number of new pages were created, particularly in the *Our Role* section. Among these is the *How Things Work* page, where you can find, for example, information about how the IPC's new process for handling privacy complaints works, and a brief overview of the judicial review process.

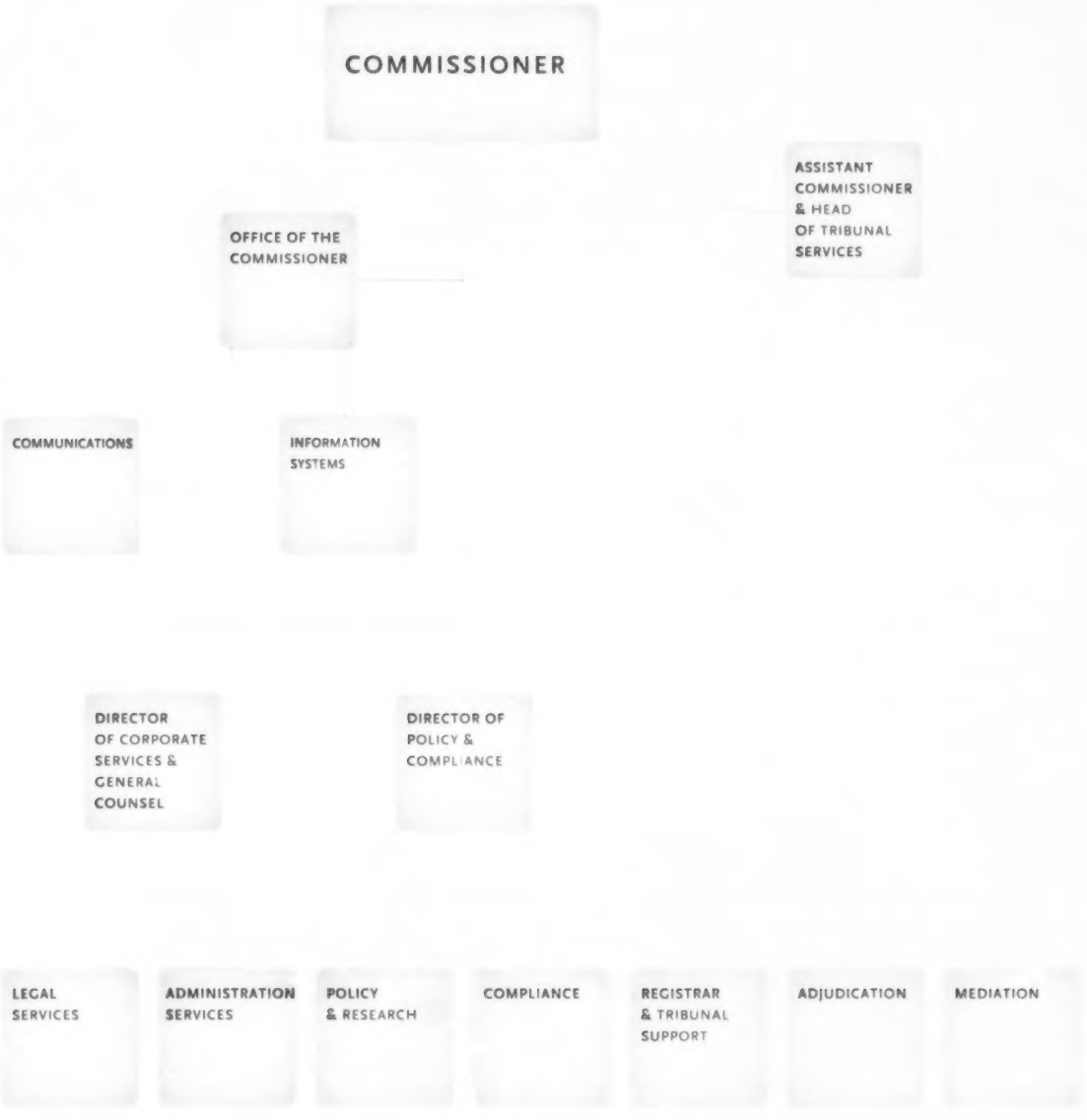
Another new page, *Brochures*, which is part of the *Publications and Presentations* section, was created to provide quick access to all IPC brochures – from the core brochures that provide answers to frequently asked questions about access, appeals and privacy, to a series of new brochures, including *Making an Access Request to a Police Service*.

Among other changes, the *Educational Resources* section was expanded.



- **What's New!** Last Updated: June 13, 2001
  - Announcements/Presentations/Releases
  - Archive of News Releases • Latest Orders
- **Our Role**
  - About the Commissioner • How Things Work • IPC Code of Procedure
  - Practice Directions • IPC Practices • FAQs (Mini Guides)
  - Guidelines and Documents • IPC Business Plan for 1999-2003
  - Areas of Interest
- **Publications and Presentations**
  - Annual Reports • Brochures • External Publications • Highlights
  - If You Wanted to Know • IPC Perspectives • Papers • Practices
  - Special Reports and Submissions • Speeches & Presentations
- **Orders, Privacy Complaint Reports, Judicial Reviews**
  - Subject Index • Provincial Section Index • Municipal Section Index
  - Reconsideration Table • Judicial Review of Provincial Orders
  - Judicial Review of Municipal Orders
  - Judicial Review of Privacy Complaint Reports
- **Ontario's Access & Privacy Acts**
  - Provincial Mini Guide • The Provincial Act • Provincial Regulations
  - Municipal Mini Guide • The Municipal Act • Municipal Regulations
- **Educational Resources**
  - FAQs • Grade 5 Program • Grade 10 Program • Speakers' Program
  - Releasing Student Information
- **Forms**
  - Index of Records • Request Form • Researcher Agreement (municipal)
  - Researcher Agreement (provincial) • Statistical Reporting Forms
- **Links to Related Sites**
  - FOI and Privacy Conferences • Ontario • Canada • Other Jurisdictions
  - Other Related Sites
- **How to Reach Us**
  - Mail • E-mail • Telephone • Facsimile

Organizational Chart



Financial Statement

	2000-2001 ESTIMATES	1999-2000 ESTIMATES	1999-2000 ACTUAL
Salaries & Wages	$4,732,600	$4,381,700	$3,773,202
Employee Benefits	$922,900	$832,500	$829,669
Transportation and Communication	$163,700	$147,800	$131,865
Services	$876,200	$876,400	$636,030
Supplies and equipment	$256,100	$271,800	$477,885
Total Expenditures	**$6,951,500**	**$6,510,200**	**$5,848,651**

Note: The IPC's fiscal year begins April 1 and ends March 31. The financial administration of the IPC is audited on an annual basis by the Provincial Auditor.

Appendix 1

As required by the *Public Sector Salary Disclosure Act, 1996,* the following chart shows which IPC employees received more than $100,000 in salary and benefits during 2000.

NAME	POSITION	SALARY PAID	TAXABLE BENEFITS
Cavoukian, Ann	Commissioner	$146,756.53	$418.16
Mitchinson, Tom	Assistant Commissioner	$124,381.87	$355.80
Anderson, Ken	Director of Corporate Services & General Counsel	$120,352.91	$344.16
Challis, William	Legal Counsel	$115,140.36	$326.56
Swaigen, John	Legal Counsel	$104,409.71	$298.56
Higgins, John	Legal Counsel	$102,037.97	$288.64

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